Tagged

a case study in documentary ethics

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CERTIFICATE OF AUTHORSHIP/ORIGINALITY

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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The production of the documentary film that forms the creative component of this thesis owes much to the contribution of the four young participants whose lives are featured in this story. Paul, Sara, Rhonda and Tony generously contributed their ideas, attitudes and activities which form the basis of the documentary. Their warmth and exuberance infuse the film.

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Abstract

The growing concern about the role of ethics in western society has also touched documentary film-making. Yet, since the emergence in the late 1980s of the first journal articles discussing documentary ethics, the theoretical exploration of the key arguments in this field has been fitful. Debates amongst filmmakers about ethics are often immersed in topical discussions of production issues or issues relating to a few controversial films. With the exception of a few insightful works, there is little new analysis or examination devoted to exploring ethics in this discipline. This dissertation adds to the available body of work by examining in depth the ethics encountered in the production of a documentary film, *Tagged*, with young people, especially the ethics encoded in the aesthetic and discursive elements of the film. Theoretical discussions about ethics range from the analytical focus on the ethics of representation, through the use of subjective modes of expressivity and filmic techniques to epistemological analyses of specific issues such as privacy and the nature of consent that draw on legal and medical models. A study of relevant documentary films reveals the variety of approaches to the moral values reflected in their discourses and visual representations, and a range of authorial voices, heavily influenced by the relationship between filmmakers and subjects and by the production circumstances of each film. In Australia, broadcasters, funding bodies and production companies dominate the documentary film-making environment and their codes, editorial policies and protocols influence the whole sector of documentary filmmaking. By categorizing documentary within the broad scope of factual programming, they reflect an institutional gaze that fails to acknowledge those individuals including children and youth, who participate in its production. Through my examination of ethics in both the theory and practice, I address the relevant question of whether there should be a code of practice for documentary film-making. In focussing on my own ethical position and its translation into practice through the making of *Tagged*, I explore the ways in which the ethical stance that I established is pivotal to the documentary and represented both in the text and in the pragmatic choices of production. This led me to conclude that the development of an ethical position specific to a current project is an effective focus on the potential ethical conflicts in a production. From this I argue that while a broad code of conduct can provide valuable guidelines, it cannot replace the filmmakers' investigation of their ethical practice and their establishment of an ethical statement and stance for their films thus creating a platform from which ethical conflicts can be understood and either avoided or resolved.

Introduction

This study of ethics grew from media reports about young people in Bankstown, a suburban area in the southwest of Sydney, with a culturally diverse, predominantly lower middle-class population. It is an area that has become notorious in recent years because of high-profile incidents of youth crime, drug and other criminal activity, drive-by shootings and gang rapes. Many people would argue that the media reporting of these has contributed to the area's poor reputation through the way such coverage has emphasised the negative events and overshadowed the positive stories.

My interest in making a documentary with young people in Bankstown was sparked by these media reports. My subsequent experiences of working with the four young participants in the documentary film-making context focused my attention on the ethical issues involved in such work. This in turn led me to explore further the nature of ethics in the process of documentary film-making.

This documentary, *Tagged,* is about four local young people, Paul, Rhonda, Sara and Tony, who are growing up in Bankstown. It is a subjective encounter with them, as they tell their personal stories and express their distinct perspectives of growing up in this place at this particular moment of its history. In creating this individual portrayal of them, I confronted many ethical issues such as ones about the preconceptions I might bring to the project as a result of the extensive but narrow media reports relating to young people growing up in the area.

In confronting my actions and reactions during the production, I documented my ethical stance and analysed its incorporation in the aesthetic, discursive and practical aspects of the production process. The film-making process extended over five years, in the course of which the recording took place at intervals over a three-year period. Consequently, the film is both a longitudinal study with the participants and an historical record of my encounter with them, in Bankstown, over that time.

The background to the documentary

In 1998, media coverage of the drive-by shooting of the police station in the Sydney suburb of Lakemba drew my attention to issues of youth and ethnic crime in Western Sydney. Following that event, I noticed there were many reports. Some of them were front page about drug gangs and major incidents in and around Bankstown, such as the murder of fourteen-year-old Edward Lee, while others were small articles on inside pages about car re-birthing rackets and rapes. Accompanying these were reports of comments by the Premier, Bob Carr, and the Police Commissioner, Peter Ryan, about

Lebanese gangs and the inflamed responses from different sections of the community about racial stereotyping.

At the same time, my work on a series of educational films took me into public high schools, where I filmed with young people who were engaging and articulate, and who had decidedly individual perspectives of the society in which they were growing up. Their conversations made me aware that they were not simply accepting the social rhetoric of late twentieth-century, urban Australia but interpreting it in light of their social, familial and diverse cultural backgrounds and creating an idiosyncratic social concept. They made such a strong impression on me that it fed my curiosity about what young people in Bankstown, whose backgrounds seemed to be so similar, would be like, away from the media portrayal.

Early in the development of the documentary, Omar El Chami, a sixteen-year-old student from Bidwill High School, was shot and killed as he stood amongst his friends and other commuters at the bus interchange waiting for the bus home from school. The shot reverberated through the youth community in Bankstown. Many of the young people who congregated at the youth facilities knew Omar directly. Many others had a second- or third-hand connection with him through family, school or friendship networks. The perpetrator was reported to be Asian, fuelling the reports of 'ethnic crime' and mirroring the story of Edward Lee whose murder was still being investigated. Lee was knifed as he walked along his street toward home, supposedly by someone of Middle-Eastern appearance.

The police crackdown on youth crime in the area was dramatic and included intercepting, questioning and searching young males at random, in public spaces such as on trains, at the bus/rail interchange, in parks and malls, on footpaths and street corners. Because much of the criminal activity was attributed to offenders of Lebanese background, the perceived police target was male youths of Middle-Eastern appearance. The impact on a social group that used public spaces as a point of public engagement was intense and contributed towards the strong resentment that was developing towards the police.

At the same time the police targeted gang activity, which led to a highly controversial drug raid on a few homes in one street, where members of an extended Middle-Eastern family lived. All of this was ripe fodder for the press and prime-time news and current affairs programs. There was a flood of stories, including ones on drug and weapons dealing, car and petty theft, gangs and fights, all of them highlighting the youth and ethnic themes.

The press reports featured such bold and ironic headlines as *Battle for Bankstown: The battle for Sydney's south-west is fast turning the area into the city's badlands. But the headlines ignore the issues* (Harris 2000, p. 3) and *Sydney's crime crisis: Young guns hooked on coke and fear* (Moore & Mercer 2001) and *Bankstown a gun 'hot spot* (*The Torch* 2003). The stories carried such details as: *Fairfield and Bankstown have become the epicentres of violent gun crime, with more than half of all handgun shootings taking place in these two suburbs* (Morris 2001).

In addition to the outrage that erupted over both the nature of the crackdown and the perceived racial targeting, was the anger directed at the media for its coverage of youth, youth crime and specific events in Bankstown. Although one of the media's accepted tasks is to report on police and judicial activity, the press and electronic media coverage was derided by local young people as well as many youth and other community workers who considered it biased, untruthful, inflammatory, *'picking on Bankstown', 'picking on youth', 'picking on young people of Middle-Eastern extraction'* [1].

Consequently, as I began to approach young people in Bankstown, I discovered that the distrust of public institutions, in particular the police, judicial systems and the media, was high. This response was consistent whether I was talking with them about any of the high-profile events, about criminal activity or even about seemingly innocuous subjects such as school or family life.

The young people I encountered, and many of the youth and community workers who worked with them, did not distinguish between the work of mainstream press and media outlets and the work of a documentary filmmaker like me. They saw me as a member of the media camp, just in a different guise, and in their eyes the media was not to be trusted, in any form. They questioned my right to make a documentary on their turf, to use their stories, or to explore their issues. This left me with teasing questions about the filmmaker's right to explore social issues in which other people, but not the filmmaker, are deeply involved. It also left me with a heightened sense of responsibility towards the young people I was hoping to work with, either during the research or as participants in the film.

Ethics in theory and practice

The resultant ongoing preoccupation with both my ethical stance and my ethical practice of documentary film-making led me to investigate the broader concept of ethics in relation to professional and artistic practice. In Chapter 1, I investigate current

[1] Comments made by local youths and youth workers during personal conversations with the filmmaker 2001–02.

theoretical debates about ethics in documentary film-making, such as informed consent and the public's right to know versus the subject's right to privacy which are issues in human research across all disciplines (Aibel 1988; Gross, Katz & Ruby 1988; Nichols 1991, 1994, 2001; Pryluck 1988; Rosenthal 2005; Winston 1988, 1995, 2000). I also examine those subjects that are specific to documentary film-making such as ethical considerations in subjectivity and objectivity, in representation, and in the use of filmic techniques (Gaines & Renov 1999; Lutekaus & Cool 1999; MacDougall 1998; Nichols 1991, 2001; Renov 1993; Renov, Ginsburg & Gaines 2004).

Where Nichols focuses on the way values can be known or experienced through the filmmaker's use of stylistic devices and the axiographic space within the film (Nichols 1991), Renov looks to Levinas's paradigm of one Being's relationship with the Other, which he uses to explore ethics within the intuitive responsibility that lies within that relationship between the filmmaker and the subject (Renov, Ginsburg & Gaines 2004). MacDougall also addresses similar territory, especially related to subjectivity and the range of expressive techniques available to the visual documentarian, but he draws on ethnographic traditions which include responsibility toward the subjects of the film.

In Chapter 2, I take up the investigation of the protocols, codes of practice and editorial policies that currently influence the work of documentarians in the Australian context. My study of ethics also led me to explore what is expected of documentarians in their professional practice and, in particular, what principles underpin working with young people in the making of documentary films. In doing this I address the question of whether documentary filmmakers should develop a formal code of practice.

My thinking about ethics during the development and production of *Tagged* was influenced by the comparative analysis of other relevant Australian documentaries made with and about young people, which I develop further in Chapter 3. During the time that I was developing *Tagged*, three other films were made with young people of the same age, at approximately the same time and in similar geographical and social areas as *Tagged*. In this Chapter, I also compare these and *Tagged* with the controversial representation of the young subjects in Dennis O'Rourke's *Cunnamulla* (2000), which strongly influenced my ethical position on working with young people. My examination of ethics in these films, as they appear to a viewer, uses Nichols's theoretical argument of axiographics "to explore the implantation of values in the configuration of space, in the constitution of a gaze and in the relation of the observer to the observed" (Nichols 1991). That is, the examination is based on an exploration of the indexical bond between the image and the ethics that produced it.

In Chapter 4, I examine my own practice in the making of *Tagged*. In doing this, I elucidate the moral values that underpinned the ethical position that I developed for the documentary and their incorporation in both the narrative and the visual representation in the film. In particular, I clarify the ethics of respect behind my adoption of a position of informed naïveté in identifying participants and acquiring consent. I also clarify the ethics of responsibility behind the relationships that I developed with each of the participants, and the ethics of representation as evinced in the stylistic and expressive incorporation of such discursive elements as dialogue and subtitling.

I use these examinations to argue my own position on how the ethical position and practice of documentary filmmakers is encoded in the film. Extrapolating from that, I establish ways in which current practices can be developed to enhance the understanding and addressing of ethics in the contemporary film-making context.

From this I draw the conclusion that the establishment of a code of practice is a simplistic attempt to prevent ethical issues arising. Any attempt to develop such a code would need to take into account the diverse styles, ideologies and principles behind the practice of documentary film-making. However, a revision of the current codification could address some of the deficiencies of the current codes, protocols and processes and provide a representation for those groups such as the youth, who are currently not represented. In addition, I propose that filmmakers should be encouraged to address their own understanding and practice of ethics through the preparation of ethical statements and positions about their films during the development period and re-addressing these during the production and post-production of their films. I argue that such a practice would be in line with the thematic, story and script development, in which filmmakers already engage, but it would be a valuable addition because of the focus it would bring to their ethical practices and the ethics embodied in their work.

Chapter 1

A theoretical overview of ethics in documentary

Ethics has become the subject of much popular discussion in recent times, especially in reference to business, political and public life but also touching on creative and discursive fields such as documentary film-making. While alluding to the recent preoccupation with ethical practice, this chapter positions the analysis of ethics in documentary film-making within the broader study of ethics and specifically in relation to the theoretical study of ethics. In doing this, it looks at the work of those theorists who have focused on ethical issues in the practice of production as well as that of theorists who address the broader ethical concerns such as ethical questions of representation that become evident when documentarians engage in making films with and about people.

The meaning of ethics

The term ethics is used frequently and in many different contexts, but an examination of what is meant by ethics reveals an enormous history of questioning, theoretical discussion and argument about the moral philosophy supporting human behaviour. Ethics is a complex web of divergent, intersecting and frequently contradictory interpretations of what should constitute correct practice, and what principles should underpin such practices. These interpretations combine both deeply intuitive beliefs and stringently argued academic theories, across all fields of thought.

Two meanings attributed to the term are “the set of rules, principles, or ways of thinking that guide, or claim authority to guide, the actions of a particular group … (and) the study of reasoning about how we ought to act (Singer 1994, p. 161). However, the exact nature of ethics, what it involves and how to read it, are subjects that have preoccupied philosophers since Herodotus and Aristotle. In continental philosophy alone it is represented in the whole body of thought from Kant’s absolutism, the Enlightenment thinking of Hume, the associated humanism of Hegel and the moral relativism of Marxism, through to modernists such as Ayn Rand and the anthropologist, Ruth Benedict.

Applied ethics in the early twentieth century emerged from social science research in psychology and anthropology. This, however, was overshadowed by the global moral response to human research carried out in Nazi death camps. This in turn led to the development of the Nuremberg code, which has spawned subsequent codes of human research ethics. For example, the subject of bioethics that developed late last

century from genetic research is just one area of human ethics research that draws on the Nuremberg Code and its replacement, the Declaration of Helsinki, in establishing standards of ethical conduct in human research. The argument that ethics is not a specifically human phenomenon but a naturally occurring one that "arises in the course of the evolution of social, intelligent, long-lived mammals who possess the capacity to recognize each other and to remember the past behaviour of others" (Singer 1994, p. 5), extends the discussion beyond the human context.

A common approach to the theoretical study of ethics provides interpretations that distinguish between three conceptual categories of meta-, normative and applied ethics (Singer 1994, p. 10). Meta-ethics questions the nature of ethics rather than the practice of ethics. It sits outside the discussions of what is ethical and instead it questions what ethics is. Normative ethics studies the specifics of our moral behaviour and prescribes the standards that should apply. For instance, its focus is questions about what constitutes correct behaviour or how we decide what is right. Applied ethics examines individual issues or conflicts, and deals with how they might be resolved in practice. The three categories are not clearly delineated, since any examination undertaken in one category can easily stray into another. For example, while the applied ethical study of consent may deal with the practices used in acquiring consent, it may also deal with the normative concerns of whether consent is valid or necessary and it may even debate the exact nature of consent. Whatever the level of debate,

> *…the marked revival of interest in applied ethics that has taken place in Western philosophical thought over the past two decades is one of the more important philosophical developments in twentieth century ethics* (Singer 1994, p. 13).

Fundamentally, ethics is about how we live our lives and in this sense it is based on our personal set of moral principles. Yet it is much more than holding a personal moral opinion or making value judgements. Our ethics are an amalgam of such things as the religious or philosophical values instilled in us as children that as adults we may embrace or reject, the social mores that we learn through education and life experience, the specific moral values that we adopt as part of a professional group, that is, our professional codes, and the school of thought that we may choose to follow. We use this broader interpretation of values as a guide against which we can make judgements about the correct behaviour for any given circumstance, even if we must abide by other principles such as prescribed laws with which we do not agree.

Traditionally the professions of medicine, law and religious ministry were set apart from other forms of work by the ethical code that members swore to uphold, which specified the rules governing the professional conduct of members of the profession. In

contemporary society, the use of the terms ‘profession’ and ‘professional’ have lost that traditional meaning. In writing about the social trend away from references to professions, a term that carries assumptions of ethical responsibilities towards the recipients of professional services, Raimond Gaita (2004) suggests ‘career’ rather than ‘profession’ is the term that has more currency now, implying a greater self-interest in the associated activities. Gaita argues that “the ethical standards of a profession do not only regulate the conduct of its practitioners, they define what it is to be a professional of this or that kind” (Gaita 2004).

In my view, this greater use of the term ‘career’ and the focus on self-interest is linked with an extension of the concept of 'profession' to include a whole range of meanings, such as work for which practitioners need a high standard of education. In another meaning, if refers to work for which the practitioner is paid rather than that undertaken by amateurs. The public assumption is that, just as the professions of law, medicine and the ministry demanded a codified standard of behaviour from their practitioners, so also should other areas of work that are now deemed to be professional. In response to this, there has been proliferation of documented ethical codes that formalise work principles and practices in a vast range of organisations and types of work, including trades.

The field of documentary film-making is not an exception. During the last ten years in Australia, there have been, and continue to be, efforts to develop a variety of ethical frameworks, charters, statements and codes to provide a reference for filmmakers and others engaged in the business and/or creative enterprise of making factual films, especially documentaries. For example, a resolution from the Australian International Documentary Conference 2005 called on the documentary industry group, SADC, to explore a Charter of Independence with Australian broadcasters (AIDC 2005). Melbourne filmmakers, Steve Thomas and David Tiley, have drafted such a charter which is now circulating informally amongst local documentary filmmakers (Tiley & Thomas 2005). These are discussed in greater detail in the following chapter, in which I examine the codes, policies and protocols that influence documentary film-making in the Australian context.

Speaking at the Australian International Documentary Conference (AIDC) in Adelaide in 1999, Dr Margaret Somerville addressed the widespread social preoccupation with ethics, evident across the board in professional, public and commercial arenas alike, which has gained momentum since the early 1990s. She describes it as an "explosion of interest in ethics", “a major societal phenomenon of the end of the 20th century" (Somerville 1999) and attributes it to a multiplicity of factors

including the "multicultural, pluralist, individualistic, postModern (sic), secular (nature of Western) democracies ... It means it's very difficult to do two things: it's extremely difficult to find consensus on values and it's very difficult to form community" (Somerville 1999).

Nichols (2001, p. 13) links the increased importance given to the ethics of documentary film-making to the degree to which the filmmaker is set apart from the people being filmed. He identifies two contexts, which can be separate but often, powerfully, co-exist, that highlight this separation. The first is that in which filmmakers are supported by organisations and institutions and the second is that in which they are professionals working with individuals who usually have no prior experience of film-making. In both circumstances, he argues there would have been some social pressure placed on the participants to trust the filmmaker blindly, both as a representative of the public institutions and organisations that back them and as knowledgeable and presumably 'ethical' professionals.

Somerville (1999) identifies the change from 'blind trust' to 'earned trust' as the core of the general social crisis. 'Blind trust' is the paternalistic trust unquestioningly invested in institutions and in professional and public figures which, from the Marxist point of view, is derived from the power, status and authority that those positions automatically carry within society. By contrast, 'earned trust' is earned by the people and institutions that have demonstrated their trustworthiness through their conduct in a public process, under public scrutiny. According to Somerville, "the reason that we're so concerned about ethics now is because the only way that we can establish trust in our society is through some ethical process and ethical consensus, and it goes to establishing this earned trust" (Somerville 1999).

The media is one of the social institutions about which the public experiences a conflict of trust. On one hand, the public needs to believe in the media, which has become the most important conduit of information in western society, yet frequent events that highlight the failure of the media have led the public to question and even distrust both the information and its messenger. The amalgamation of media ownership in the hands of a few powerful individuals and the evolution of media outlets such as newspapers and television news and current affairs programs as vehicles for entertainment do not assist the regeneration of that trust.

Writing widely about ethics in the context of Australian media and politics Gaita argues that, “in a society such as ours, standards of truthfulness need to be high and the means of discovering truths – medical, scientific, and so on – very sophisticated”

(Gaita 2004). He argues that the media is one such means and we need to trust in it for the practical reason that we are reliant on the media to discover the information that we are unable to secure by ourselves. He argues further that “lower standards and a diminished regard for truthfulness in the public institutions entrusted to serve our need for truth – most notably in the universities and media – make it difficult for us to develop the kind of judgement necessary for trust to be lucid” (Gaita 2004).

Ethics and the documentary storyteller

My particular study of ethics arose from the stories in the media, especially the print media, about young people in Bankstown. They provoked not only the idea of making a documentary with young people in this area, but also my initial ethical conflicts such as those about preconceptions and subjective representations that persisted throughout the production. As I considered the moral principles and quandaries that arose during the film-making process, it was impossible for me as a social documentarian to ignore the fact that my work lay within a broader context than the social and geographical locations of the documentary. This broader landscape was the debates about ethics and the practice of documentary film-making within the western society in which I live.

Like Somerville (1999), I too had noted a growing concern amongst my own broad network about the ethical behaviour of those with civic responsibilities or those with whom members of the community feel they have an ethical contract, including journalists. In the initial stages of research for the documentary, the young people I encountered expressed strong feelings of anger, resentment and mistrust towards the media, which in their view had misrepresented young people in Bankstown.

There have been numerous examples in the recent past when public figures and others have been brought to account for their ethical behaviour, for example, the Enron Scandal, the HIH collapse, Tyco and One-Tel are cases of business fraud and Stephen Glass at The New Republic and Jayson Blair at the *New York Times* are just two high-profile cases of journalistic fabrication. However, what Somerville identifies as different in the current scrutiny is that the behaviour itself, or a specific incident, is not the only issue that the public or their appointed investigators call to task. There is also a deep and motivated questioning of the ethics themselves and of the parameters of the ethical behaviour. For example, members of the public have access to the ethical standards of individuals, groups, professional bodies, organisations and commercial concerns through a proliferation of websites and publicly available documentation. There are websites providing models for developing codes of practice. It seems as if almost every trade and professional organisation has a code of practice and a definition of the ethical conduct

promised by its members. Consequently, the general public is capable of accessing information or sets of standards against which to judge the ethical practice of public figures.

In this context, it is not surprising that documentary filmmakers, whose material currency is in the personal, intimate stories of individuals or whose work investigates the behaviour of individuals, institutions and social values in general, should also question the ethics behind their practices. This is the case regardless of whether they are considered professionals, artists or commercial practitioners, depending on the nature of their film-making.

According to Somerville, at the same time when the public is losing trust in societal institutions, including religious institutions and the media, there is a strong desire, which intensified toward the end of last century, to transcend the materialism of everyday life in search of a spiritual dimension. Inherent in this is a growing public perception of the importance of moral values. Just as our set of moral principles has evolved from different sources, so too we incorporate ethics into our lives on many different levels, from personal through social and institutional to global. The school of thought that we favour and the circumstances we face as individuals or communities also influence the values we choose to practice but, when there is a values conflict between the levels, or between the schools of thought, dilemmas arise (Somerville 1999).

To understand such a conflict, imagine that a documentary filmmaker, who values truthfulness highly in her work and values protection of privacy in her personal life, finds these two values sit comfortably while isolated at their different levels – personal and public, until a situation arises, in which the personal life impinges on the public life, causing a confrontation between the two positions.

As forms of public communication, the news media and documentary film-making both help to shape social values. In particular, documentary in all its modes has a tradition of drawing public attention towards issues and ideas that demand attention and that can be explored from a particular point of view or addressed with deeper consideration using the documentary form (ASDA 2005; Nichols 1991, pp. 32-75). I contend that it is in the nature of all documentary discourse to make ethical statements, which are located in the underlying premise of the story.

By taking this role into account, I argue that documentary filmmakers must engage with ethics in three ways. The first is in their ethical practice in the production of their films, the second is in the ethical position, which they weave into the discourse of their

films and the third is in the aesthetic representation of that ethical position. It is to all these contexts that Somerville refers when she contends that documentary filmmakers have a special role to play, both as storytellers in a world seeking to realign its social paradigms, and as practitioners with ethical responsibilities (Somerville, 2000b).

Furthermore, in their role as storytellers who interpret or help us make sense of our contemporary historical world, documentarians make judgements about the inherent goodness or badness in a topic. They also contribute to our social discourse about what we place value on in our society and about how we protect what we value. If the appeal and power of the documentary lies in its ability to convey meanings and beliefs (Nichols 2001, p. 43), then I argue that documentary filmmakers are engaged, on the one hand, in an ethical discourse, and on the other, in the ethical practice in the production of a film. I further argue that the production practices should support the ethical discourse, especially if the film is to avoid ethical conflict.

Debates about ethics in documentary film-making

There are obviously some platforms on which discussions about ethics cross all disciplines and some on which the disciplines can learn from each other's ethical research practices. Researchers in medicine, social science and the creative arts all address "the ethical problems of the conjunction of the search for knowledge, new technology and individual integrity" (Pryluck 1988, p. 260), also identified as "the classic topics of ethical debate" (Nichols 1991, p. 77). They include the nature of consent, deception, the researcher's responsibility and duty of care toward the subject, protection of privacy and confidentiality, ownership of the results of the research (such as the recorded image, test results, or information), benefits or payment, and codes of conduct or compliance with formal standards.

These are the issues that cross all disciplines and fields of study and are referred to in almost all literature about human research ethics, from the Belmont Principles, the Nuremburg Code and the Declaration of Helsinki to the National Statement for Human Research Ethics and University ethics statements. In documentary film-making these issues are linked with production practices, but it would be a mistake to identify them solely as practical problems when theoretical examinations of them can engage applied normative and meta-ethical concepts.

A key problem in the discussion of ethics in documentary film-making is that such discussions occur mostly in film reviews and published interviews and revolve around the particular film or filmmaker that/who is of topical interest, reflecting the complexity surrounding ethical issues in the discipline. Pryluck (1988) further sites this complexity

at the intersection of the creative work and the practice of its creation. He contends that “more than morality is involved: ethical assumptions have aesthetic consequences, and aesthetic assumptions have moral consequences" (Pryluck 1988, p. 256).

This acknowledgment of the link between aesthetics and ethics is of enormous significance in the discussion of research ethics, both in documentary and across the humanities. This is because it recognises that there are ethical issues specific to both the artistic nature of the research work undertaken and the methodologies adopted in that branch of learning. These ethical issues may be related to interpretations of the 'classical topics of research ethics' or they may be separate ethical issues that are specifically relevant to the discipline. For example, much of the theoretical debate in fine arts, media arts and social sciences such as ethnography, focuses precisely on ethics as it is encountered in aesthetics, modes of representation, subjectivity or the Gaze (Nichols 1991, pp. 76-103; Renov, Ginsburg & Gaines 2004, pp. 176-188; Russell 1999; Williams 1999, pp. 176-188) .

Nichols (1991, pp. 76-103) argues that documentary’s key function lies in its representation of the historical world, focused around an argument about this historical world, in which there is an embedded ethical perspective. He claims that, with the indexical bond between the image and the ethics behind it, “the image provides evidence not only on behalf of an argument but also gives evidence of the politics and ethics of its maker” (Nichols 1991, p. 77). This, then, addresses the question of how values, particularly an ethics of representation, come to be known and experienced in relation to space, which he calls the axiographic space of the documentary. In Nichol’s argument, this space is an historical one that is occupied by the documentary director alongside the other components of the film and that reflects the director’s real relationship with them. Consequently, a crucial element in reading a documentary film is interpreting that relationship, and understanding the filmmaker’s position, including the political or ethical position, in relation to those components.

MacDougall's work lies at the intersection of visual ethnography and documentary film-making(MacDougall 1999). He also acknowledges the politics and ethics of representation in making films by discussing the connection between filmic practice and visual representation and the epistemological considerations of the nature of the visual (MacDougall 1999, pp. 150-163). His discourse, especially about participatory cinema, is based on his interpretation of the engagement between filmmaker and subject as an interaction, which allows for social relations that can enable an equal collaboration (MacDougall 1999, pp. 126-138).

The growth of ethical debate in documentary can be linked to filmmakers ceasing

> *… to exploit the persuasive powers of film, and (beginning) to examine their ideological implications …facing the implications of film as a personal form of film-making… (*MacDougall 1982, p. 9)*.*

Although early documentarians like the Russian agit-prop filmmaker, Vertov, engaged in this, MacDougall attributes the real change to the technological changes of direct cinema, which "resituate(d) the audience in relation to the subject, and this meant resituating the filmmaker in relation to the audience" (MacDougall 1982, p. 9). The result was an ethical and epistemological questioning that led to the

> *…challenging of authorial certainties, of received stylistic conventions, the introduction of self-reflexivity, the moves toward subtitling indigenous speech …* (MacDougall 1999, p. 155).

Renov acknowledges that Nichol's "issues of objectivity, ethics and ideology have become the hallmark of documentary debate" (Renov, Ginsburg & Gaines 2004, p. xxi). His most recent writing on documentary (Renov, Ginsburg & Gaines 2004, pp. 148-158) addresses the work of the humanist and altruistic French philosopher, Levinas, and his theory that humans have a reciprocal relationship, an intuitive responsibility for each other, that underscores the condition of being human and extends into infinity. Renov explores this paradigm as an alternative to the epistemological focus as a basis for explaining how the objectification of subjects in the pursuit of knowledge can be revised in the aesthetic practice of documentary film-making, by "charging the subject (and filmmaker) with an 'unlimited responsibility' for the Other" (Renov, Ginsburg & Gaines 2004, p. 148).

The principles that Levinas emphasises are similar to those propounded by David MacDougall, who draws more on the phenomenological arguments of Merleau-Ponty, in his discussions about the quality of the encounter between the filmmaker and the participant, both of whom, for each other, constitute 'the Other'. MacDougall proposes that the subject and the filmmaker are part of a shared experience that is partially defined by their spontaneous interaction, and also preserves it for all time. As the viewer responds to their personas embodied in the film, all three are enveloped by the film and come to life in the space within it (MacDougall 1999, pp. 51-54).

According to Winston (2000), the central question for documentary ethics is how much mediation is ethical. He asserts that the "implicit claim on artistic licence" has allowed the "ethical sensitivities of documentarists" to deteriorate, but he goes on to clarify that the issue of unethical behaviour lies not in passing off complete fiction as fact. "The problems lie in the small 'subterfuges' that are accepted because of the failings of the camera to reproduce faithfully 'the truth'" (Winston 2000, p. 132). He sites

the emergence of the debates on ethics in documentary film-making with Pryluck's and Sobchack's[2] early articles in 1976 and 1977. However, he claims the debate stayed marginal because "the academy had nothing to say to the professionals and they (the professionals) only had the myth of consent and the unexamined 'right to know' as a guide to ethical behaviour… only the journalists are left as a model of professional conduct" (Winston 2000, pp. 154-155). In Chapter 2, I examine the documentary film-making reliance on the Journalists' Code of Ethics in the Australian context.

Winston argues "the point is that personal behaviour, per se, is not at issue … it is the form, documentary, that makes a claim on the real and thereby raises particularly difficult moral issues" (2000, p. 154). However, he sees that the difference between the documentary form and journalism lies in documentary's claim to artistic licence. Although he acknowledges the complexity of applying journalistic standards to documentaries, he argues that John Merrill's[3] ethical guidelines for journalists are the key because they focus on the relationship between the participant and the documentarian. I disagree with this link for many reasons but especially because of the way it is codified, legalistic and regulatory and does not encourage an examination of the nature of that relationship. Furthermore, it is based on what, for some time, seemed to be the underlying ethical issue – that of truth. This is vastly different from the arguments cited above of Nichols, MacDougall and Renov, which have moved on from the basic issue of what is truthful to become a more theoretical reflection of what actually happens within the film when filmmakers record others (Nichols 1994; Renov 1993; Winston 1995).

Such are the fault-lines in the discussion of ethics in documentary film-making. On the one hand there are the standard theoretical arguments. On the other hand there are the specific theoretical and epistemological debates about representation and relationship which are found most vividly in the work of Nichols, Renov and MacDougall. Where this debate expands on the ways that ethics are encoded in the images and in the discursive and aesthetic choices in the film, the practical interpretations are more likely to examine the application of perceived social norms. However, these areas of investigation do not represent opposing camps. It is more the case of theorists approaching their reflections on ethics from different positions and

[2] Pryluck's 'Ultimately, We are All Outsiders' and Sobchack's "No Lies, Direct Cinema as Rape" were originally published in *The Journal of the University Film Association*, USA. Pryluck's was in Vol. 28, no. 1 Winter 1976 and Sobchack's in Vol. 29, no 1 Fall 1977. Both were subsequently published as chapters in A. Rosenthal (ed.) 1988, *New Challenges for Documentary*, University of California Press, Berkeley, California.

[3] John Merrill is a US journalism educator and teacher of media ethics, well known for his challenging ideas about democracy, ethics, journalism and politics.

taking their arguments in different directions, all of which have relevance for filmmakers attempting to understand how ethics underpins both their work and their professional behaviour.

As the theoretical discussions oscillate between these camps, what emerges is the conditional, relative and reactive nature of ethics. Although we may think we are clear about our moral values, exploring ethics in documentary film-making reveals many hidden implications and ramifications that are relative to other ethical issues or the circumstances of production.

For example, if we consider the ethics of payment, there is a valid argument that subjects should be paid because they have ownership of their image or performance and hence the right to exploit it. However, we have to address the potential conflict with the ethics of consent, where there is an equally valid argument that payment constitutes an inducement, which may invalidate consent. We also have to consider its connection with the ethics of truth where the moral dilemma is about the degree to which we can rely on the veracity of a recording of a real event if that event is, in fact, the result of a commercial transaction. Going further, there is an overlap with the ethics of representation. Here the issue is whether in making a payment for what is in effect a performance, the filmmaker is influencing that performance, and likewise whether the subject is also tailoring the performance to fit the real or perceived demands of the transaction. And these are by no means the limit of the issues that can be discussed in relation to payment, consent, truthfulness and representation.

This description of the relativity of ethical decisions demonstrates the problems inherent in relying on one set of principles to fit different production circumstances. How much more difficult it will then be to develop one set of principles, or a meaningful and longstanding code of ethics, to apply to all documentary filmmakers, their huge range of work and all the circumstances they are likely to encounter.

Theory in practice

Observation of the references to ethical issues that appear in documentary film-making forums in Australia such as seminars and conferences, and interviews with filmmakers reveals that practitioners frequently react to problems encountered in the production process and seek solutions on the ground. Their choices are more likely to be drawn from their interpretation of the actual choices that are available to them. That is, they are more likely to be based on personal value judgements than on a particular theory or predefined ethical position. In this case, their interpretations of ethics and ethical behaviour result from a bubbling-up effect caused by the need to resolve problems of

correct behaviour and to resolve them quickly in order for production to proceed. Consequently, when filmmakers think about ethics, it is in the context of the standard issues of consent, privacy, ownership and payment, responsibility and duty of care, and codes of conduct.

These issues have been the focus of substantial theoretical attention and the discussions surrounding them are relatively standard.

Consent

Nichols (2001) refers to the principle of informed consent as ‘a common litmus test’ for many of these classic ethical issues (Nichols 2001). The major issue in relation to consent lies in the debate about the nature of consent, that is, whether consent is absolutely consent or whether it is relative to the circumstances in which it is obtained (Winston 2000, pp. 137-156). This conflict raises such questions as whether the participants were fully informed about the filmmaker's intent and fully advised of the possible outcomes, especially negative ones that may have influenced their decisions. Other questions that it raises include the participants’ ability to make decisions or to give consent by virtue of their mental state or their lack of understanding and prior knowledge of film-making practices. Consent can also be flawed if there is any suggestion that the nature of the film was not represented truthfully and fairly, without trickery or the use of coercion or inducements. Indeed, there is also the question of whether the existence of a signed consent form is an inducement to continue when the subject’s initial agreement is followed by regret and a desire to withdraw from the film-making process.

Obtaining the subject's consent in writing is not only standard human research practice; it also carries the assumption that the subject is giving absolute consent regardless of the circumstances. Winston raises the point that a signed consent form “furnishes the documentarist with ethical armour” (Winston 2000, p. 149) in the same way as does the argument that disclosures in documentaries are in the public good. Both these arguments have been used by documentarians as a defence against charges of unethical practice (Winston 2000, p. 137). However, the counter-argument is that the individual has basic human rights, such as privacy, which cannot be signed away, regardless of the detail of a signed consent form or the circumstances of production (Viera 1988, pp. 136-137).

Privacy

Pryluck (1988) argues that privacy is the main issue for documentary film-making, to which consent is subordinate. He describes privacy as a basic human right, “the right to

decide how much, to whom, and when disclosures about one's self are to be made" (Pryluck 1988, pp. 255-265). He also focuses his argument on direct cinema, positing that actuality filming poses a threat of more serious infringement on the rights of personality, than does either traditional documentary production or verbal reports, because of the impossibility of anonymity (Pryluck 1988, p. 255).

The 'public right to know' is the reverse argument that the individual's right to privacy is of secondary importance when the disclosure of information is in the public interest. Journalists may use this argument to defend the release of confidential information without consent. In documentary film-making it is linked with the Griersonian tradition of using the plight of the subject in a film to demonstrate a social concern. The argument is that this is a deceptive practice because it posits the amelioration of major social problems such as poverty as the purpose for the film, and uses this as an argument for the subject to participate. However, the subjects have subsequently been the focus of a range of reactions, most of them negative and, in the decades since Grierson and his followers first used this practice, there has been no evidence to support their claim that the films contribute to the resolution of any social problem (Winston 2000, p. 13).

MacDougall also addresses the issue of privacy, but as a call to filmmakers to develop new approaches to objectify sensitive topics in order for them to be explored without exploiting or embarrassing or otherwise harming the subjects (MacDougall 1982, p. 10). In other words, his references to privacy are based on his film-making experiences as well as his examinations of filmic practice and its relation to visual representation. His also considers respect for the participants' privacy as an issue in considering duty of care.

Duty of care

The debate on this topic revolves around the questions of who is responsible for the welfare of participants and to what degree? For example, is it the filmmaker's responsibility to ensure that the participants' privacy is protected or is it up to the participant to take that responsibility for themselves (Aibel 1988, pp. 113-116; Gross, Katz & Ruby 1988, p. 6; Nichols 2001, p. 6; Pryluck 1988, pp. 258-260)? For instance Winston argues that "duty of care should be expected from filmmakers because they are usually working with people who know less than they do about the ramifications of film-making" (Winston 1988, p. 52). Generally discussions of this issue are about whether the filmmaker has taken adequate responsibility for the participant, (Gilbert 2005, pp. 307-326; Winston 2000, pp. 143-147)

Aibel (1988, pp. 108-118) introduced another interpretation of the filmmaker's responsibility in discussing a major ethical dilemma that arose for him in the making of the ethnographic film, *A Country Auction.* The film began life as the combined work of a team of four, three of whom were ethnographers as well as filmmakers, of which he was a member. His dilemma emerged as a question of how to separate his professional role of filmmaker from the personal intimacy developed with participants during the course of the filming. In effect, Aibel and his colleagues had been given permission to film a country auction arranged by the participants to settle an estate. As the filming progressed, he realised that the country auction would have a negative financial outcome for the participants. He felt compelled to intervene and advise the participants to choose another, more productive, method of selling. However, his professional colleagues believed that as ethnographers, they should not interfere in the lives of the participants.

This dilemma of whether or not to intercede raises three issues. First there is the issue of the whether the filmmaker should alter the outcome of the film by intervening in the story. Secondly, it raises the issue of whether the filmmaker has the right to intercede in the lives of the participants if it is to shape the outcome of their activities to fit the beliefs or values of the filmmaker. With *A Country Auction,* Aibel felt concern because the harm was financial loss, but this could be interpreted as a judgement based on the value he placed on money.

The third issue emerging from this story is that, in Aibel's mind, the subject's mistaken action was provoked or at least influenced by the presence of the film crew. Had the people not been participating in a documentary, they may have adjusted their course of action or chosen an alternative of their own accord, however, once committed to the filming of their auction, they felt obliged to continue even if the outcome would be detrimental for them. As this example demonstrates, simplistic moral judgements about right and wrong are inadequate when the relationships and circumstances in film-making become so complex.

Aibel’s dilemma also raises the further question of how it is possible to codify the ethical practice that should be adopted in such a circumstance. In this case, three ethnographers, presumably all of them conversant with professional standards and a code of practice, were unable to agree on what would be the correct behaviour. Eventually, the issues became so complex and divisive that they were unable to resolve them and resorted instead to an unhappy but ‘professional’ compromise that enabled them to finish the film. Aibel observes that ‘professionalism’ acts as a shield that both protects the sensibilities of documentary filmmakers and protects them from

the sometimes messy and uncomfortable task of grappling with ethical issues (Aibel 1988, pp. 116-117).

Youth

Although the issue of working with youth is not one of the classic topics of ethics in theoretical discussions, I have included it here because of its specific relevance to my investigation of ethics in the making of *Tagged.* In relation to consent, allowance is made for minors and the mentally incapacitated by excluding them from the arguments that a signed release form justifies any unethical behaviour on the part of the filmmaker (Pryluck 1988, p. 262; Winston 2000, pp. 85, 161). This acknowledges that those least able to help themselves deserve the most protection and that, by law, the child is not competent to consent and permission must be sought from the legal guardian (Pryluck, p. 265, 1988, p. 262 & 265).

I contend that these arguments address only the rights of the child in relation to law, that is, whether she/he is capable of consenting on his/her own behalf and legally capable of signing a consent form, and laws differ from state to state, country to country. The discussions do not address the responsibility of practitioners, who are experienced in their area of practice, towards the care of young people who, while legally being minors, wish to assert their independence and make their own judgements.

The child is not the youth and there is not a clear dividing line beyond which one becomes the other. Although a young person is not yet legally allowed to sign a contract on his or her behalf, most can and do want to make decisions for themselves. In the case of *Tagged*, I observed that all participants decided for themselves that they wanted to be involved and then secured the permission from their parents. I accommodated this first by proceeding to seek permission only after I was certain that the young person concerned had decided to be involved and then by preparing consent forms that both parents and the young person could sign. I explore this further in Chapter 4.

As the filmmaker, I felt an ethical conflict that lay in my having multiple responsibilities within the documentary. These included the responsibility of ensuring that the young participants were not compromised by their participation, that is, my social duty of care towards them, yet at the same time ensuring that in my efforts to protect them, I would not compromise the veracity of the story or stifle their right to make choices and be self-determining. My resolution to this dilemma lay in an ethic of respect, that is, the decision to respect the individuality of the young participants. In making this choice, I determined to base the ethical position of the film on the relationship between the young participants and me, as the filmmaker, with their connection to the audience coming through me. In

Chapter 4, I explore this ethical stance in detail by examining how it was manifested in the ethical practices I engaged in and how the aesthetic and discursive decisions encode it in the text of the film.

Ownership and payment

Payment has many possible connotations and implications. At its simplest, it can be a reimbursement to the subject for out-of-pocket expenses incurred in accommodating the documentary project. It can also be an acknowledgment that the filmmakers are using the resources of the subject to gather the documentary material. To a greater extent it may be recognition of the subject's contribution to the story through thoughts, ideas, analysis or creative contribution.

However, payment has wider implications than is suggested by these simple transactions. It can be in the form of money or some other tangible inducement. In negotiating the payment, the filmmaker may be attributing value to the quality or quantity or type of material to be supplied. Importantly, payment can change the relationship between filmmaker and participant by adding the expectations that come with the exchange of money, goods and services. The payor can feel entitled to receive a product or a service in return for the payment just as the payee can feel obligated to deliver the product or service as agreed. If this occurs, it can call into question the veracity of the information provided by the subject and it can draw the subject's reliability into question.

Discussions about the ownership of images and payment focus on the concept of proprietary rights, or the legal basis for ownership, which is inherent in the image (Viera 1988, pp. 138-140). However, there is an alternative concept of ownership in Aboriginal cultural practice, which is relevance for filmmakers because of the significant role of the Indigenous Protocols in Australian documentary film-making, as I argue in Chapter 2.

MacDougall elucidates this eloquently in his discussion of voices in the making of *Familiar Places* (1980) (MacDougall 1999, pp. 159-163). The film was made with Aboriginal people in on the west coast of Cape York in North Queensland and “can be read as a compound work, representing a crossing of cultural perspectives” (MacDougall 1999, p. 163). Although the Aboriginal participants could be seen as the subjects in a film made about them, what the anthropologist, Peter Sutton, observed during the course of production was the way that the film and its making were agents of Aboriginal interest.

> *… a spoken reference, or the showing of a totemic object, conjures up both one’s clan identity and the narrative associated with it … a film can be*

> *conceived as one more medium of reference…showing and thus giving recognition to objects and places. In doing so it takes on all the accompanying connotations of 'story' and narrative…It is not perceived as the filmmaker's story; it becomes in effect, Aboriginal cultural property. (Consequently) when filming is 'permitted,' it is a mistake to see this as passive acquiescence out of mere politeness, co-operativeness or desire for money. In a great many cases, film is being actively used…* (MacDougall 1999, p. 162).

Codes of conduct

Social interest in ethics, as previously observed, follows community concerns about ethical practice. In the case of documentary film-making, as suggested earlier, such discussions are frequently in response to particular filmmakers or work that is topical. The subject of ethics can also arise where there are concerns within the professional group about industrial or other practices that have a flow-on effect amongst members.

In Australia, initiatives to codify the principles and practices underpinning documentary film-making include efforts by Dr Jane Roscoe and Dr Gay Hawkins to generate relevant discussion following their presentations at the Visible Evidence IX conference in Brisbane in 2001 (Roscoe 2006), and the subsequent Documentary Ethics Debate featuring Professor Brian Winston (Winston et al. 2002). There are also proposals such as the draft ASDA Code of Practice (ASDA 2005) and the draft Charter of Independence that are currently being circulated by local (Australian) documentary filmmakers (Tiley & Thomas 2005). Although on the surface a code of practice seems to provide resolutions for ethical dilemmas by providing a framework within which filmmakers can work, it is important to consider both the value and the effect of establishing a set of standards.

In addition, there are already formal sets of principles linked to various relevant institutions and organisations in the Australian context. These codify certain behaviour and practices and directly influence the work of documentary filmmakers. In Chapter 2, I examine some of the most relevant of those in the Australian context and analyse their impact on local filmmakers. I draw on this analysis in order to make observations and suggestions about the need for a more formal code of practice for documentary filmmakers in Australia.

Conclusion

Considering ethics is a complex task. Moral values are not absolute; they must be thought about in context and re-evaluated to take account of changes in context. Ethical

or moral conflicts occur when the moral values that we accept or adopt are not consistent either with each other or with the values demanded by outside forces, for example, society, work colleagues, participants or audiences or with our overall philosophy.

What emerges from the theoretical discussions surrounding ethics in documentary film-making is the conditional and reactive nature of ethics. Although we think we are clear about our moral values, under examination they reveal many hidden implications and ramifications that are relative, for example, to other ethical issues or the circumstances of production.

It is necessary for documentary filmmakers to be fully cognisant of the specific arguments that have practical application. It is also important for them to develop their understanding of the ethical implications and ramifications of their use of the range of expressive techniques and the ideological discourse inherent in their work.

I conclude that the ethical key for documentary filmmakers lies in exploring the relationship between the participant and the filmmaker as well as in the investigation of the way this relationship is manifested in the discursive argument of the text, the axiographic space of the film and specific production practices. In doing this, the filmmaker has many sources of theoretical argument and discussion about documentary on which to draw. They give filmmakers greater understanding and hence more control over the ways that their interpretations of ethics do and can influence the creative and discursive work in which they are engaged.

However, documentary filmmakers must also work with social, commercial, professional and other demands on their production practices as well as with expectations about the content and representations in their films. In the following chapter, I examine some of the publicly available codes, policies and practices that exist in the Australian documentary sector in order to understand their influence on the ethics of documentary filmmakers and film-making and to determine my position on the need for a new code of practice.

Chapter 2

Codes, policies and protocols – the Australian context

With the increased focus on ethical behaviour in documentary film-making both in Australia and internationally, one topical issue is the formalising or codifying of ethical practices. For example, two resolutions passed at the Australian International Documentary Conference 2005 called for a Code of Practice and a Charter of Independence, and two draft sets of standards are currently being distributed amongst Australian documentary filmmakers (ASDA 2005; Tiley & Thomas 2005). However, there are already a number of codes, policies and protocols that influence documentary film-making in this country. In order to assess the need for a new code of ethics or for additional standards, it is necessary to understand how the sector functions, what ethical principles it currently espouses and what demands or expectations are being placed on the practitioner regarding ethics.

Documentary is a broad term, encompassing many forms. Defining it has generated consistent debate amongst documentary filmmakers, academics, critics and writers about documentary for most of its existence. For the purposes of this paper and, in particular, this section dealing with the Australian documentary film-making context, I am using the definition taken from the Australian Broadcasting Authority's *Documentary Guidelines* and the Australian Film Commission's discussion paper, entitled *Documentary Production and Funding in Australia*:

> *… a program that is a creative treatment of actuality other than a news, current affairs, sports coverage, magazine, infotainment or light entertainment program…* (AFC 2004)[4].

This definition is generally accepted by documentary filmmakers and industry bodies and it is used, for example, by the Australian Communications and Media Authority in its Australian Content Standards to distinguish between documentary and factual programming, to which very different production practices and standards may apply.

The documentary film-making sector in Australia covers a broad range of production circumstances, from those linked with broadcasters, large production houses or government funding bodies to independent productions with small budgets raised from

[4] The Griersonain concept of documentary as the creative treatment of actuality is broadly accepted as a definition within documentary film-making circles and the production industry, Winston (1995) is highly critical of the tradition for the claims that it makes on the presentation of reality , for what he sees as its indiugence in "prettifying aesthetics" ((Winston 1995), and for its depiction of the socially disadvantaged as victims under the guise of bringing about significant social change.

private sources. In order to understand how the codes, policies and protocols that currently exist in this sector affect Australian practitioners, it is important first to understand the demands and expectations that filmmakers experience in undertaking documentary work for which they must determine an ethical stance. This necessitates knowledge of the nature of the documentary film-making sector in Australia as it has emerged from significant changes during the recent years in which discussions about ethics have grown.

An industry of filmmakers

The practice of documentary film-making in Australia has experienced fluctuating fortunes, not least from the late 1980s through to the mid-1990s when it underwent a philosophical change that effectively attempted to transform a community of independent filmmakers into an industry of small business practitioners.

Prior to that time, institutional documentarians worked for the in-house production departments of the ABC and the Commonwealth Film Unit (now Film Australia). At the same time synergistic hothouses such as 'Reel Women' in Melbourne, the Waterside Workers Federation Film Unit, the Sydney Filmmakers' Coop. and the Sydney Women's Film Group also nurtured collectives of independent filmmakers eager to make films. It was from this latter group that "a strong tradition of authored, often political, one-off documentary developed and attained a degree of maturity and international recognition" (FitzSimons 2001, p. 174) during the 1970s and 1980s.

The ABC and the Commonwealth Film Unit, as government agencies, engaged in institutional documentary-making. The latter focused initially on themes of nation-building and later on a broader concept of documenting national history, producing a variety of documentary styles but with a heavy Griersonian influence (Moran 1987). The ABC concentrated on the production of ongoing documentary series such as *A Big Country* and *Chequerboard,* with individual episodes conforming to a program format that utilised predominantly journalistic elements.

Independent documentary was funded through the AFC and, from 1981, 10BA tax concessions[5]. It relied on limited theatrical and non-theatrical screenings such as festivals, local cinemas, clubs and educational venues for distribution, usually to

[5] 10BA is the more commonly used of two tax concessions available to Australian residents/taxpayers on capital investment in qualifying Australian productions. To be eligible, the film must be a feature, telemovie, documentary or TV drama produced for exhibit in a cinema or on TV, wholly or substantially made in Australia and certified by the Minister. In addition, it must be completed and produce income within 2 years of the expenditure. It has had less impact on funding since the initial 150% offset was reduced to 120% and then to 100%, making it less attractive to investors.

interested community groups concerned about the socio-political subjects of the films. It was the lobbying from filmmakers in this group, and the government funding bodies that sponsored this work, that nudged open the doors to television broadcast, but not without some cost to the independence of those filmmakers.

The broadcast of independent documentaries on national television happened gradually from the early 1980s with the purchase or commission of a few, mainly one-off, projects. However, by the end of the decade the entire sector of government television, film production and funding had been completely restructured, providing a platform from which institutional players could work with independent producers and directors who held the key to government sources of funding for independent documentary (FitzSimons 2001, p. 174).

From the early nineties, the documentary film-making sector in Australia has been consistently referred to as 'the industry' but, even in 2005, it is an industry that is almost completely dependent on support from government funding bodies and broadcasters, and reliant on increasingly more complex co-production arrangements. According to the AFC's 2004 discussion paper on documentary production and funding in Australia, "the documentary sector has evolved in an ad hoc way over the last few decades. But one fact has remained constant – documentary practice is a substantially government-subsidised endeavour" (AFC 2004). Compounding this was the determination of funding bodies to insist on broadcaster interest or marketplace attachment to documentary projects applying for funding, although this demand has loosened in recent times.

Today national television is not only the locus for documentary exhibition in Australia, but as a significant source of funding through the commissioning and presale arrangements, especially of SBS and the ABC, it plays an influential role in the development and production of independent documentary films. The industry argues that "the broadcasters' present dominance in the exhibition of documentaries in the Australian context has led to a disproportionate emphasis by the documentary community on meeting their (the broadcasters') needs" (AFC 2004, p. 16). Television broadcasters have gained substantial formal and informal editorial control over what is being documented (that is, the content of films) and how (that is, the format and style of films). At the time that the AFC 2004 discussion paper was prepared, it said,

> *… currently the preference from broadcasters is for limited types of documentary series, docu-soap, reality-based and factual programming rather than the more traditional social or essay-style documentary making…* (AFC 2004, p. 16).

Admittedly this is not unique to the Australian production environment, as the same trend is also well documented in other countries, especially the UK and USA. In this environment, independent filmmakers become no more than content-providers for television, almost as creative outworkers.

Funding bodies have attempted to be responsive to the needs of the independent film-making community, but in recent times this response has been more towards the consideration of film-making as an industry than as a creative, cultural endeavour. In an industrial context, the emphasis falls on such economic imperatives as career and skills development, employment of industry professionals at award wages, and cooperative arrangements with other sources of funding in order to expend the available funding efficiently. To be fair, there has been pressure from many filmmakers for the funding bodies to adopt this industry concept, especially regarding professional wages. The AFC argues that neither the industrial sector nor the purist cultural sector is capable of achieving the critical mass of production necessary to support a national documentary practice. It defines this mass as the level of production needed to sustain

> *… production and post-production facilities, providing opportunities for training and gaining expertise, and underpinning diverse businesses that can ride out cycles in any one particular genre of documentary…* (AFC 2004, p. 23).

In an industrial climate, the filmmaker needs a diverse range of skills, including strategic business skills, to negotiate funding pathways that traverse different agencies, marketing skills to pitch the project and negotiation skills to combat perceived editorial interference. At the same time, the filmmaker must try to remain focused on the creative intentions and the principles behind a documentary that is fast serving other people's purposes.

This is not so much the case where there is a production team allowing individuals to focus on specialised areas, however, team endeavours increase the number of stakeholders, all of whom have an influence of some sort on the project.

Documentary filmmakers enter the sector through various channels, including tertiary training courses and a whole raft of short industry training courses. Their work may be screened through many of the short, localised film festivals that have sprung up in recent times, such as the Home Brewed Film Festival ('Home Brewed International Film Festival' 2006) or on websites such as Aussie Short Films ('Aussie Short Films' 2006) or Shorts Around Sydney ('Shorts Around Sydney' 2005/2006). In the current climate, these 'emerging' filmmakers may make a few short documentary films using their own resources and they may volunteer on projects in order to develop experience, but guerrilla-style film-making is usually only a short-term option for the initial stages of

a career. Inevitably they are forced to follow the film funding/broadcaster model in search of production budgets and in the hope of securing some sort of livelihood while practising their craft. If they are absorbed into the industry by joining the staff of bigger organisations, such as broadcasters, then they are more likely to be making ‘content’ for the organisation within the institutional framework, than producing their own creative endeavours.

There is little negotiation in the funding process where, having complied with selection criteria, the filmmakers enter a competitive and subjective selection process in the hope of being amongst the few 'lucky' ones whose projects are funded. Once accepted, the filmmakers must contractually agree to comply with the editorial policies and codes of practice subscribed to by the funding partners. These include the Charters of the ABC and SBS, the SBS Indigenous Protocols and those being developed for the AFC, the MEAA (previously AJA) Code of Ethics, and the Office of Film and Literature Classification Categories. They also include compliance with other practices broadly referred to as being 'industry standards', for example, the provision of assurances of participants' consent in the form of signed agreements or contracts.

Since these codes, protocols and policies for making factual films have heavily influenced the documentary film-making practices in Australia, it is important to examine the principles they lay down for ethical practice and what they reveal about the ethics of documentary film-making in Australia.

Codes, protocols and policies

While the codes of practice generally subscribed to in the Australian documentary context may be independent in the sense that they may not pertain to any particular funding body or broadcaster, they are used by those bodies as a means of compliance and by extension as a means of defence.

Both the MEAA Code of Ethics (1999) and the Indigenous Protocols (Bostock 1997; Janke 2003a; Johnson 2001) are primary sets of principles that are referred to in other guidelines, such as the editorial policies of the broadcasters. The MEAA Code of Ethics oversees journalistic conduct and by extension the conduct of those engaged in producing factual material. The Indigenous Protocols provide guidelines for working with Indigenous people and stories.

The current MEAA Code of Ethics is the 1999 revised version of a code prepared in 1944. As it was written by the members of the professional body rather than by an overseeing government or business concern, the Code is generally viewed with a degree of independence and the sense that it is written by and for professional peers.

The Indigenous Protocols generally refer to the resource publication, The Greater Perspective, written for SBS by Lester Bostock and first published in 1990, and Darlene Johnson's shorter Protocol Guide also written for SBS. These protocols have a strong measure of independence since they were authored by Indigenous filmmakers in response to the needs of Indigenous people to educate filmmakers about the correct practices and proper behaviour for dealing with Indigenous people, places and stories. The Indigenous Unit of the Australian Film Commission is also developing a National Protocol for filmmakers working with Indigenous content in drama and documentary.

The inclusion of such generally accepted guidelines as the Code and these Protocols in the editorial policies of institutions like broadcasters and production bodies is not only a statement of standards but also a means of defence. The implication is that the institution is minimising its responsibilities to meet commonly accepted industry standards by publicly stating that it is passing that obligation onto the filmmaker or producer. Should the suggestion of negligence or improper behaviour arise, the institution can use this offsetting of responsibility to claim that it addressed its obligations. It can also claim that by making the Protocols available, it is fulfilling an educational function.

MEAA

Until recently, the most influential code of practice for media practitioners, including documentary filmmakers, was the journalist's code of ethics. In 1944, the key principles written into this code were scrupulous honesty, professional loyalty, fair dealing (including full disclosure of identity), and integrity. In Australia this has evolved into the MEAA Code of Ethics with MEAA being the acronym for the Media Arts and Entertainment Alliance, the union created from the amalgamation of the Australian Journalists Association and Actors' Equity. With its current brief, it now represents a broad spectrum of media workers across the country. Specialist groups such as documentary filmmakers can also be members of professional lobby groups such as the Screen Directors' Association, but as these bodies are not unions, their representative functions are limited. Consequently, they work closely with MEAA and other industry organisations, giving media workers a substantial voice in industry forums and in negotiations about industry practices.

The MEAA Code identifies honesty, fairness, independence, and respect as the four principles underlying its twelve constitutional points. An analysis of these twelve points reveals that truthfulness is highly valued and interpreted broadly to encompass honesty, accuracy, independence, disclosure, and the avoidance of bias or distortion.

However, overall there is an inconsistency in the code. Some points such as the journalist's responsibility not to plagiarise is unequivocal, but many points are couched in relative terms such as 'aim to' and 'do your utmost', or they use qualifiers such as 'unnecessary' and 'improperly'. For example, “Do not place unnecessary emphasis on … race, ethnicity, … sexual orientation …” or “Do not improperly use a journalistic position for personal gain” leave the degree of compliance open to wide interpretation.

Instead of directing journalists to ensure balance in reporting, the Code of Ethics states "Do your utmost to give a fair opportunity for reply." It tells journalists to “respect private grief and personal privacy” but it falls a long way short of exhorting them not to intrude, only allowing that, “journalists **have the right to resist compulsion** to intrude” (emphasis mine). It encourages truthfulness and accuracy in presenting pictures and sound but suggests only that “any manipulation likely to mislead should be disclosed” but not avoided.

By the relative and 'toned down' way the points are presented, the Codes establish an unemotional relationship both between the journalist and the information, which is the journalist's raw material, and also between the journalist and the source of that material. The relationships are delineated by clear parameters expressed as the limited and relative ways in which journalists are expected to maintain the values inherent in the Code.

The Editorial Policies of both national public television broadcasters identify the MEAA Code of Ethics as a primary reference on professional conduct, however, where the ABC expects all factual program-makers to adhere to the Code, SBS encourages only its journalists to work to the Code. While the Code has been and remains a useful general reference for documentary filmmakers, it does not provide detailed guidance for the many and varied circumstances, such as making the authored work, in which the documentary filmmakers may operate. There are also many production circumstances in which the filmmakers would work contrary to the direction of the Code. For example, documentaries do not generally disclose information about direct or indirect payment for interviews; nor is information about conflicts of interest that could affect the accuracy or fairness of the story always incorporated into the narrative.

ABC

The ABC is governed by *The ABC Act*, Charter and Policy Documents, which include a Code of Practice, Service Commitment, and Editorial Policies.

A study of these[6], in particular the last three documents, firmly establishes that the gaze of the ABC is directed toward its audience. Its service commitment clearly states:

> *… The ABC, Australia's national non-commercial public broadcaster, will provide its audiences with the best programs, performances, products and services it can produce and acquire…* (ABC n.d.).

Its standards of service state:

> *… The ABC is committed to … treating audience members with fairness, courtesy and integrity; respecting legitimate rights to privacy and confidentiality…* (ABC n.d.).

The document detailing the Editorial Policies (ABC 2002, updated 2005) is a substantial one of 131 pages, laced with frequent references to the audience, which further substantiates the argument that the focus of the ABC is the viewing public. Amongst the few references to either program-makers or program participants, there are a couple of significant ones listed as Key Values. The ABC acknowledges that it replicates the AJA (MEAA) Code of Ethics – honesty, fairness, independence, and respect – and in so doing it implies that it also limits the program-maker's responsibility to a specific interpretation of these key principles.

The ABC's ethical stance toward subjects and program participants is expressed in the statement, "Respect for the rights of others is extended to subjects, program participants and audiences" (ABC 2002, updated 2005, p. 2). However, it provides no information on the meaning of that statement, the rights that are referred to or how that respect should be manifested. Similarly, program-makers are exhorted to avoid stereotypes but only if

> … *inaccurate, demeaning or discriminatory* (and) …*in programs using experts, interviewees and other talent to present opinions, program-makers should ensure a gender balance of commentators and experts where possible ...* (ABC 2002, updated 2005, p. 36).

Likewise, the Editorial Policies refer to Indigenous Protocols but, other than to give general warnings about offensive words and bereavement practices, they do not specify actual protocols (ABC 2002, updated 2005, pp. 38-39). Program-makers are encouraged “to respect all Indigenous cultures and seek advice and involvement from relevant Indigenous sources where appropriate” (ABC 2002, updated 2005, p. 39).

References to children are limited to the ABC's responsibility to children as audience members. There are policies on the content of children’s programming, advertising, announcements and news breaks during children’s viewing times, and the content and

[6] This study is based on the documents available at the time the study was carried out. These findings are also consistent with the updated Editorial Policies (2006), in which the relevant sections do not vary.

links on ABC children's webpages. The only acknowledgment of children as the subjects of or the participants in ABC productions and consequently the only provision for their welfare in this context is in reference to grief and tragedy.

> *… Children who have recently been victims of, or eyewitnesses to, a tragedy or traumatic experience should not be interviewed or featured…* (ABC 2002, updated 2005, p. 37).

There is no mention of the State regulations for working with children and no indication that the ABC expects its program-makers to comply with these particular requirements. It may be that the ABC's employment or trading contracts specify such details, however, legal documents require legal compliance. This discussion is directed, not towards the contractual obligations that independent filmmakers agree to, but towards the ethical environment they work within.

As previously argued, the ABC is a significant production partner in the documentary sector through its commissioning of independent documentaries and its presale arrangements that enable independent producers to access various levels of finance from other government sources. In commissioning a project, the ABC contributes toward its production costs and guarantees its public viewing by broadcast. Hence it is significant that the ABC editorial policies make no further reference to the institution's ethical stance toward the people whose participation in productions constitute the material on which its broadcast content is based.

In fact, the ABC's editorial policies make no reference directly to documentary production. Reference is only made to requirements for News and Current Affairs, specifically stating that programs of Factual Content, that do not constitute News and Current Affairs, must comply with the editorial policies laid out for NewsCAF (ABC 2002, updated 2005, p. 24). In this regard, it ignores the substantial differences between documentary and other types of factual programming very clearly delineated by the Australian Broadcasting Authority (now the Australian Communications and Media Authority) in its Documentary Guidelines (ABA 2004), even though it must adhere to these distinctions in order to ensure that its programming meets the Authority's content standards (ABA 2005). For example, the Documentary Guidelines clearly distinguish between news and current affairs, sports coverage, magazines and documentary. The ABC is clearly able to make these distinctions for the purposes of programming, yet it does not distinguish between the different editorial requirements for each of these categories.

Through these omissions, the ABC makes it clear that it is accountable to the government and the Australian people but not to the independent filmmakers whose 'documentary product' it commissions, nor to the members of the public who participate in those or other, ABC productions. While the policies are relatively loose, my main observation is that they are all focused on the audience and committed to providing services for the audience – an amorphous and indistinct body that the ABC documentation fails to define.

I argue that this contextualisation implies that the ABC's gaze is towards its audience and it focuses its ethical consideration on its role as a broadcaster, while in its reference to the MEAA codes, it encourages compliance with the industry standards for journalism. In this latter regard, its production values would seem to have changed little from the journalistic imperatives of its in-house documentary production in the 1960s and 1970s. This stance does not encourage a broad range of thinking about ethics, and independent documentary-makers who find themselves working with the institution are most likely to be working within this very specific ethical climate. Where the institution's ethical stance is towards the government and the audience, that of the documentary filmmaker is more likely to include the participants in the film with whom they are developing a relationship and other stakeholders such as the funding bodies or other investors and a broader concept of 'audience' than that viewing the ABC. This is one of the reasons some documentary filmmakers have seen the need for a formal statement of independence, as I discuss later in this Chapter.

The editorial policies are important because they are the fulcrum on which the relationship between independent filmmakers (and other stakeholders), and the ABC is either finely or precariously balanced, depending on the experience of the particular production. Guidelines for independent filmmakers advise that

> *… the ABC is required to take editorial responsibility for all programs broadcast on its network, regardless of their source… In order that the ABC may exercise editorial control of programs it commissions, production agreements indicate the specific production elements that the ABC will wish to approve, and a set of procedures, which outline how the nominated ABC representative may approve these elements …* (ABC 2005).

The result is that when the broadcaster seeks to impose its ethical stance on the independent production through editorial control, the filmmaker is left in a difficult and unsupported position, trying to argue for what he or she believes is the correct ethical stance for the documentary. It is precisely for this reason that filmmakers have seen the need for a formal statement that establishes the importance of and protects their independence.

SBS

By comparison with the ABC's bulky documentation, SBS's Code of Practice (SBS 2002) is a slender document of less than 50 pages[7]. It covers general program codes and policies, the television classification code, advertising and sponsorship, community information, political broadcasts and election coverage, and the complaints system for online, radio and television broadcasting. Its detail embraces SBS's core function, which is to reflect multilingual and multicultural Australian society, yet it also fails to acknowledge the position of children and youth as program participants or to provide for their welfare. At the same time, it gives substantial referencing to the Indigenous perspective.

A reading of the Code suggests that SBS's primary responsibility is towards meeting its Charter obligations

> *… to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians, and, in doing so, reflect Australia's multicultural society …* (SBS 2002, p. 4).

The Code states the organisation's ethical stance on prejudice, racism and discrimination, women, Indigenous people and content, self-identification, news and current affairs and privacy. Its inherent values are diversity, balance, independence of vision, cross-cultural awareness, sensitivity and respect, especially for Indigenous people and stories. The terms that are used throughout the Codes include 'proper regard', 'to be sensitive', and 'promote greater awareness'. Overall, its gaze is one of respect. Its references to its audience, its program-makers and the subjects, including the people, the stories and the content that are portrayed on its programs, indicate that the organisation's sense of responsibility to each of these groups is within the context of its Charter obligations to reflect social diversity. For example, its commitment to provide opportunities for women to produce, direct and present programs (SBS 2002, p. 6), its commitment to "strive for maximum involvement of Indigenous people in all aspects of the production and presentation of (Indigenous) programs" (SBS 2002, p. 7), and also its commitment to be "sensitive and careful in dealing with issues of religion" (SBS 2002, p. 12) are all in keeping with this value. Its commitment not to create or reinforce stereotypes about women is in line with its obligation to educate.

Within the Code, however, there are only a few direct references to the organisation's expectations for program-makers, producers and journalists and they fall within either the News and Current Affairs category (SBS 2002, p. 10) or in the section detailing the SBS stance on Indigenous programming, staffing and participants (SBS

[7] These findings are also consistent with the revised SBS Code of Practice published in 2006.

2002, p. 9). In both sections, the references cite respect and sensitivity as requirements, for example, "SBS expects its program-makers to exercise great sensitivity, particularly when approaching, interviewing and portraying people who are distressed" (SBS 2002, p. 10).

The Codes do not make special reference to either SBS Independent or its independent filmmakers, although SBSI stipulates on its documentary web page that producers and documentary filmmakers working with it will be expected to observe the SBS Code of Practice (SBS 2002) and its Indigenous Protocols (Bostock 1997; Johnson 2001). The Codes also express the organisation's ethical stance clearly and, in addition to the Codes, SBS has for many years made its Indigenous Protocols freely available to independent filmmakers from its web site.

Film Australia

Film Australia does not have a set of published editorial policies. As a production entity that either supplies completed films to or enters into production arrangements with broadcasters, the organisation is in the same position as independent filmmakers and other production companies that must undertake to comply with the editorial policies of those broadcasters. However, it does have some trading policies that reflect its corporate outlook and its organisation's attitude towards such subjects as the Indigenous issues of representation and the on-sale of ethnographic work that incorporates images of Indigenous people. In such matters, Film Australia has demonstrated responsiveness to issues that have been debated in other film industry forums, however, relationships between independent filmmakers and the institution are such that filmmakers still feel the loss of their independence when working with the institutions. This is evidenced by one of the conference resolutions from the Australian International Documentary Conference (AIDC) 2005, which called on Film Australia

> *… to engage with SADC to develop a Code of Practice (foreshadowed during recent Film Australia/SADC discussions) setting out protocols, with particular reference to editorial issues and creative rights, that codify best practice in the production process …* (AIDC 2005, resolutions 7&10).

Indigenous Protocols

As previously stated, Indigenous Protocols are a set of guidelines that are used as an industry standard for filmmakers or cultural workers engaged in activities with Indigenous peoples or communities. These guidelines also reflect a set of principles that Aboriginal people value. For example, where 'truth' is an inherent principle in the journalist's Code of Ethics, the principles underlying the Indigenous Protocols include such moral values as respect – for people, for culture, and for traditions.

Lester Bostock's ground-breaking publication, *The Greater Perspective* (Bostock 1997), established protocols for film productions taking place on Aboriginal land and drew on the research of the late US anthropologist, Eric Michaels, into the use of media technology by Indigenous communities in Central Australia. *The Greater Perspective* is a valuable educational work which goes beyond listing a code of ethics by providing information on relevant issues such as media colonisation and giving important cultural background in order to ensure that the purposes behind the guidelines are understood. It also debunks some commonly held but mistaken beliefs about Aboriginal people, such as their use of English as a first language, and it provides an etiquette checklist. While there may be some argument about the link between etiquette and ethics, using good manners appropriate to a set of social circumstances is a mark of respect for the parties involved and it underscores the ethical nature of the relationship between the filmmaker and participants.

In 2003, Film Australia hosted a seminar on ethics and the use of archival material, entitled *Culture and Ethics: Who Decides?* (Film Australia 2003). Speaking at the seminar, Terri Janke, a lawyer who is drafting Indigenous Protocols for the AFC (Janke 2003a), anchored the growing desire of Aboriginal people for such protocols to the addressing of specific issues. These issues are ones of ownership and control, informed consent, representation, accuracy, contextualisation, privacy and confidentiality, and respect for specific cultural practices such as those relating to death. She identified these as arising from the serious concerns of Aboriginal people about the misuse or potential for misuse of documentary images and sound material and their desire to have 'a say' in the manner in which material about them was put to use. They include:

> *… The right to own and control Indigenous cultural and intellectual property; to require prior informed consent or otherwise, be it access, use and application of Indigenous CIP (cultural intellectual property); to maintain secrecy; to prevent derogatory, offensive and salacious uses …* (Janke 2003b, p. 23).

In 2001, Darlene Johnson (Johnson 2001) drafted an overview for SBS from the originals used in making of her film *Stolen Generations* with members of the Aboriginal stolen generations. While SBS states that this overview is offered as an exemplar, it also advises filmmakers that the Indigenous protocols described by Bostock and Johnson must be observed (SBSI n.d.) if their documentary project involves Aboriginal and Torres Strait Islander People, their Communities, Land, Law & Spiritual Beliefs, or Culture and Artefacts.

The SBS protocols based on Johnson's protocols for *Stolen Generations* value respect (for the culture & for the dignity of Aboriginal participants, informed consent,

collaboration, moral rights to the story and the portrayal, informed representation–understanding and knowledge – learning about and from the participants, and the right to privacy and confidentiality (Johnson 2001).

All three source references to Indigenous protocols referred to in this paper carry an economic component. Johnson specifies “the filmmaker will pay the subject a fee as agreed” (Johnson 2001). However, I argue that this payment is very different in nature from the general concept of payment, and draws on the cultural meaning attached to the value of story and life experience as a cultural product, as previously discussed in Chapter 1.

In studying the Protocols, we can examine not only the detail in the specific guidelines; we can also explore the inherent principles such as respect. By reflecting on the principles, we are in fact considering the normative ethics underlying the applied ethics of the guidelines, and in so doing, we can use them to expand our concept of what values are important in our contemporary society and hence what constitutes an ethical practice. Documentary filmmakers work with the lives and personalities of people, both externally in the detail of their lives and internally in their nature as people. Consequently it is important that documentarians ensure that the moral judgements they are making in relation to their subjects are as informed and unbiased as possible. The Protocols reveal the moral code at the core of the indigenous experience but they also reveal a perspective on moral values that was not being recognised prior to their development. Hence they challenged and informed the established, personal and professional moral code. Ideas that challenge our thinking like this give us a broader understanding of ethics and moral principles and also enhance our capacity to be more responsive to the ethical issues that might arise in future documentary projects.

Human research ethics

As a researcher for the Australian Institute of Aboriginal Studies, Eric Michaels worked closely with Aboriginal people in Central Australia, studying the effects of satellite TV on remote Aboriginal communities (Beattie 2004, pp. 80-81; O'Regan 1990; Ruby 1990). His work was not only an enormously valuable contribution to the development of cultural policy, for instance, arguing for the establishment of Aboriginal-owned and -controlled media organisations, he also brought to it a substantial and weighty tradition of ethical practice in cross-cultural research.

Where medical science turns to bioethics and biomedical ethics for the moral principles to govern human ethics research, researchers in the social sciences, such as Michaels, also have a tradition of well-established and well-documented codes for the

ethical conduct of research with humans, as evidenced, for example, by the codes of practice of just two major professional associations in the discipline, the American Anthropological Association (1998) and the American Sociological Association (1997). The evolution in anthropological research methods that led to the 'new ethnography', saw ethnographers grapple with the dilemma of finding new and less mediated ways of working with Indigenous peoples (Clifford & Marcus 1986; Lutekaus & Cool 1999; MacDougall 1999). The ethnographic tradition of representing them as subjects to be interpreted by the researcher was being replaced by methods of facilitating Indigenous people's self-representation and direct communication with outside people. The human ethics research principles of Michaels were in keeping with the desire of local Aboriginal people and communities in Central Australia to control the representation of their culture and communities as well as the cultural and language products being disseminated amongst their communities (Michaels 1994).

Documentary (or ethnographic) filmmakers working within a human research environment, such as a University are required to comply with the institution's standards for ethical conduct in research. These standards and the management of them must, in turn, comply with the National Statement for Human Ethics Research (National Health and Medical Research Council 1999), as do all recipients of ARC Grants.

Within the University, for example, this compliance requires clearance from the Ethics Committee, which oversees the ethical stance of all research projects undertaken within the University's programs. The process of applying for such clearance requires the researcher to give substantial consideration to the identified and potential ethical issues as well as to the way these issues will be addressed as part of the research. This does not guarantee that projects will proceed without ethical conflict or dilemmas. However, it does mean that the researcher has the framework for establishing a well-informed ethical stance for the project, which includes that stance being evaluated by an informed committee of people who are not directly involved in the research but who bring a range of ethical perspectives to the conclusion.

Regarding work with children and young people under the age of 18 years of age, the National Statement on Ethical Conduct in Research involving Humans acknowledges that this group raises special issues and considerations (National Health and Medical Research Council 1999, p. 25). The National Statement requires that researchers working with children and young people are familiar with the guidelines of the relevant state authorities and complete the requisite conditions such as the voluntary ‘working-with-children’ check, which is discussed later in this Chapter.

Working with young people and children

Despite the lengths to which the national, publicly-funded broadcasters go to protect their editorial control over program content and the contractual protection they require from independent filmmakers, neither of them refers in their editorial policies to specific protocols for working with children. As previously stated, the ABC refers to children only as audience members and SBS does not refer to them at all. It is left to the individual state bodies responsible for the employment of children in entertainment to provide some guidance for filmmakers and protection for the children. There are two relevant areas in which minors are covered by state regulations; they are in the regulations for child employment and in the 'working-with-children' check.

The ''working-with-children' check' refers to the voluntary disclosure for volunteers and the mandatory investigation of all employees working with young people. The investigation is intended to ensure that no person who has a criminal record relating to child abuse, sexual activity, acts of indecency or other registrable offences can be a paid employee or volunteer worker with young people. It includes police checks on relevant Apprehended Violence Orders and completed employment disciplinary proceedings where relevant. In NSW and Queensland, the Commission for Children and Young People in each State administers the relevant act. In Victoria, it is under the jurisdiction of the Department of Justice. In Western Australia, the Department for Community Development oversees its administration. South Australia, Tasmania and the Northern Territory do not currently have legal statutes requiring such checks.

Documentary filmmakers may be able to evade the 'working-with-children check' since they could argue they are not technically working with young children but also because it requires an employer to carry out the check. Where the filmmaker is also the employer, it requires self-disclosure, but unless a formal complaint is made to either child protection authorities or the police, it is unlikely that filmmakers will ever be required to present evidence that they have applied for the check. The system was instigated to cover workers and volunteers in youth welfare agencies, not filmmakers. Hence, the application of the system is not designed to catch independent filmmakers who are not controlled by an overseeing body and, as broadcasters and funding bodies do not include provisions for this check in their guidelines, filmmakers are not yet obliged through contractual obligations to comply.

Not every state has a mandatory code governing child employment, for example, Queensland is still in the process of developing its code. Of those that do, the essence

of each state's legislation is the same, referring to the duty of care and welfare but the details of the provisions vary significantly.

In NSW employment of children in film and television is regulated by *The Employment of Children Regulations and Code of Practice* (NSW Commission for Children & Young People 2005), which are the same regulations as those for theatre, still photography, modelling, shopping-centre performances and door-to-door sales. The aim of the legislation is to protect children from exploitation and abuse and to prevent inappropriate and unreasonable demands being placed on them. Employment refers to a relationship in which either the child or some other person received payment or material benefit in return for the child's services. The relevant productions would require registration so that compliance checks could be carried out.

Documentary productions require registration only where the children involved fitted certain criteria. If, for instance, a documentary included re-enactments or dramatised sequences with children under the age of fifteen, the child actors would be covered by these regulations which are administered by the Office of the Children's Guardian (OCG) (2001). However, a documentary with youth of fifteen-years-of-age or over, or one that only incorporates, for instance, interviews and actuality, and where the participants were not paid, would not be covered by the Act.

Both the Victorian and NSW codes contains specific provisions against the use of children in inappropriate roles or situations and to protect against the child being caused distress, however, in the Victorian code, the provision is extended to include embarrassment.

Under the Victorian *Child Employment Act 2003*, (Business Victoria 2004a, 2004b, 2004c) the definitions of the terms 'entertainment; and 'employment' are broader, for example, 'entertainment' describesany form of entertainment including any program that is not a news item and 'employment' refers to the engagement of a child for any business activity which makes a profit, regardless of whether the child is paid. This means that children who appear in observational and interview-based documentaries, without payment, are covered by the provisions of the Act. It is the parent who is required to obtain a permit before the child can engage in employment, but the employer (in this case the documentary filmmaker) cannot employ (or record with) a child unless the permit has been issued.

Documentary ethics in practice

As previously established, in the last fifteen years, the documentary film-making sector in Australia has been directed towards developing an industrial/commercial mode of operation. This has been underscored by the consistent references to the practice of documentary film-making as an 'industry'. The impact of industrial practices on the filmmaker is seen in such concerns as meeting contractual requirements, paying subjects, securing rights to on-sell footage, ensuring a return for investors (for example, an audience for the broadcast investors or income from sales and distribution) and filling the demands of the broadcaster's 'slot'.

This industrial system, with its bias towards commerce and regulation, is at odds with the aesthetic system which values independence (the freedom to make judgements on aesthetic or moral grounds), relationships, construction of meaning and narrative, respect for the subject, and representation. Many independent filmmakers have felt their ability to make ethical judgements and to decide the moral basis on which issues should be considered is eroded by the imposition of editorial control and contractual obligations.

Speaking about the broadcaster influence in the production of *Gulpilil: One Red Blood*, Darlene Johnson describes David Gulpilil's unique way of storytelling, which develops in a circular rather than linear fashion, and grows bigger or longer or more dramatic with each telling. By contrast,

> *… there is a sort of Chronology to the way the story unfolds. That was one thing the broadcasters wanted … David doesn't tell stories that way, he doesn't talk in any chronology … he speaks and says everything at once …* (Rutherford 2004, p. 58)
> and
>
> *… In this case it was made for the ABC and has to work for an ABC audience. When I asked what the criteria are for what kind of films you make for an ABC audience, I was told, 'so long as it's a good film…* (Rutherford 2004, p. 59).

Johnson would have liked to develop the documentary narrative more from an Aboriginal perspective, opening up the cultural space and using David's imagery rather than a linear narrative. However, in working with a broadcaster, she, as the filmmaker, felt negotiated into a position in which the relationship with the broadcaster takes precedence over the relationship with the subject of the film. In addition, this was not 'Darlene's project' but one that she was brought on board to direct. The resulting conflict is whether the director's obligations should lie with the subject or with the investors.

> *… There seems to be this whole process about documentary, everything's collaborative, everyone has to have their say, but who owns the story? I mean foremost this is David's life story, it's not my story, but I'm the director, so I have a responsibility to his story and the way it should be told …* (Rutherford 2004, p. 59).

It is similar experiences as this, in which documentary filmmakers felt powerless to maintain their independent stance and the integrity of the story against the editorial position of the institution, that have provoked filmmakers to call for such formal statements as the Charter of Independence and Codes of Practice, for example, in the conference resolutions of the Australian international Documentary Conference 2005 (AIDC 2005).

The independent stance

Two documents in which are currently circulating informally through the independent documentary sector in Australia are a draft Charter of Independence initiated by Melbourne filmmakers, David Tiley and Steve Thomas (2005) and a draft Directors' Code of Practice being developed by members of the Australian Screen Directors' Association (2005).

The Charter of Independence is intended to address the relationship between the filmmakers and broadcasters. It is an effort to acknowledge, in a formal way, the authorship, moral rights and perspective that are external to the institution and hence to argue that "the editorial position is the viewpoint of the filmmakers, and not the broadcaster or the financier" (Tiley & Thomas 2005, p. 2). The focus of the Charter in its current draft, (draft 3), is the relationship between the filmmaker and the institution, which is usually the broadcaster. The development of the document is clearly in response to pressure felt by independent documentary-makers to comply with institutional positions that have been contrary to the needs of their stories as perceived by the filmmakers. For example, the draft Charter includes such statements as:

> *… filmmakers have the right to negotiate and argue their case with the active decision makers in the organizations. Decision making for projects involving independent filmmakers should be inclusive, transparent and accessible, both during development and production …* (Tiley & Thomas 2005, p. 3).

Similarly, documentary directors, through their representative bodies, ASDA and SADC, have developed a draft Code of Practice. This is an attempt to codify the roles and responsibilities of the independent documentary director and producer on one hand, and the institutional producers on the other, in reference to particular issues that have arisen as points of conflict. These issues are essentially production practices, which the directors feel influence the outcome of the production and can interfere with their ability to create the story as it should be told. The draft in its current form also lists some ethical obligations, which refer to the director/subject relationship, as well as a stance on 'truth' (ASDA 2005).

The purpose of a code of ethics is usually seen as “the protection of the welfare and the rights of participants in research” (National Health and Medical Research Council 1999, p. 1). Participants are usually considered to be the subjects of the research, in the case of documentary film-making, but it can be argued that the filmmaker is also a significant participant and so should be protected by any code of ethics. Given the institutional and industrial nature of film-making in Australia, the purpose behind both the Charter of Independence and the ASDA Code of Practice is to give the filmmakers a strong position from which to be able to argue, when necessary, for the ethical treatment of subjects. While it cannot be guaranteed that filmmakers will always act ethically on behalf of their subjects, I believe that most filmmakers take their ethical responsibilities towards subjects very seriously.

Codes of conduct

In general, the very act of developing an ethical code is beneficial in that it draws the attention of practitioners towards the ethical principles and practices within their discipline or area of work. One observation is that ethical considerations attempt to minimise harmful effects (Nichols 2001). Yet other observations are that discussing ethical issues alone won’t solve them; applying ideas about ethical considerations when shooting actuality films wouldn’t be easy; and while some guidelines are needed to avoid cynical exploitation there would problems attached to their application (Pryluck 1988). If we consider that ethical issues are sited primarily in the triangular relationship between the filmmaker, the participant, and the audience (MacDougall 1999; Nichols 1991; Renov, Ginsburg & Gaines 2004; Winston 2000) how can we judge if the ethical code has been applied? “Is it by whether or not people complain? Or by whether or not the audience notices? … where audience acceptance is the only criterion, the end justifies the means – ethical considerations are irrelevant” (Pryluck 1988, p. 262).

There is an argument for the relationship between participants and documentarians to be enforced by law and not by regulation (Winston 2000, p. 158). There have also been more extreme suggestions, such as the vigorous exposing and denunciation of "mendacious documentarists … in the market place of ideas" (Winston 2000, p. 157) or the black-listing of documentary film-making colleagues who infringe the common standard of ethics (Becker 1988).

The problem with such calls, and also with the concept of codifying ethical standards is that it assumes that the underlying moral standards are common to all circumstances of documentary film-making. Of course there are general social values that we can identify, but the relevant question here is whether there are enough

common values amongst the range of styles and forms of documentary film-making to establish one set of standards that will apply to all.

This question is especially significant if we consider the idea that ethics reflect an ideology and an argument about the historical world from the filmmaker's perspective (Nichols 1991, 2001). This suggests that each filmmaker's code of ethics will be different from the next's. Consequently, whose ideology takes precedence in developing the code of practice? Even if we follow the argument that the issue is not about personal morals but about the documentary form's claim on the real (Winston 1995, 2000), we still encounter the question of which definition of documentary we should follow and, consequently, which ethical principles should be used as the standard. Is it Winston's, lying somewhere between journalism and factual programming? Or is it the subjective discourse of Renov or Nichols? Or is it the interactive engagement of MacDougall?

Other researchers such as anthropologists, visual ethnographers and cultural studies researchers are guided by codes of practice from professional associations, research institutions and the social sciences codes for human research ethics. As members of the academy, they are also engaged in ongoing debates about methodology and ideology, and through different processes their work is open to the scrutiny of peers, supervisors and others with whom they have a professional connection.

Documentary filmmakers, on the other hand, depending on the sort of work in which they are engaged and how the project has been developed, are open to a different sort of scrutiny and it is applied in a different way. For instance, it may come through feedback from screenings for the general public or television broadcast, or from a small audience of people involved in the story, or from film-making peers. The response to their work and the reception they receive may vary greatly.

In line with Somerville (1999) who contends that developing ethical processes and consensus contributes to establishing earned trust, I argue that there are benefits in establishing standards. These include the establishment of community trust in the process of documentary film-making and also the provision of a set of standards that can be used by the community and individuals as a point of reference when considering participation in a film and also when judging a filmmaker's work. However, I return to Somerville's reading of the current attention to ethics (Somerville 2000b), in which she argues that the public's interest in codes of practice has been replaced by a deep and motivated questioning of the ethics themselves and that includes a

questioning of the underlying ideologies. If this is the case, then the establishment of a code of practice will satisfy neither the public that it may help to protect nor filmmakers seeking to understand their ethical practice or establish an ethical position or an ideological stand.

Conclusion

As I have argued, the codes, protocols and policies that are publicly available for documentary filmmakers in Australia reflect the industrial domain of the sector and the objectives of special interest groups that have lobbied for particular consideration. They do not adequately address the broad scope of ethical issues that may arise during documentary production. In particular, they do not specifically address the ethical issues in working with young people. Furthermore, they do not encourage filmmakers to explore the questions of ethics in visual representation nor the ways in which their ethical positions are encoded in the text.

If codes, policies and protocols constrain and control human behaviour by determining the parameters within which practitioners are able to consider ethical issues and demanding compliance, then they can also limit the discourse about ethics and restrict the filmmaker's ability to explore a broader scope of ethics. While efforts such as the Charter of independence and the ASDA Code of Practice represent valuable efforts to respond to long-term problems experienced by independent filmmakers, the development of a code of ethics or a set of principles is a complex process. It requires more than attempting to resolve individual issues or conflicts. Amongst many considerations, its authors must transcend their specific situations and attempt to bridge the real and the hypothetical in order to create a guide that will be of use to practitioners in changing circumstances. In order to regulate practitioners' conduct, they must be prepared to explore the moral behaviour that underlies the problems that arise and identify standards that will properly address that behaviour.

For my part, the creative process of documentary film-making demands that filmmakers engage in exploring their position towards the topic or subjects of their documentaries. It is this self-exploration that sets documentary apart from other types of factual program-making and that largely determines the ethical position of the documentary filmmaker. I explore this argument in the following chapters, first by studying the work of four recent Australian films made with young people and, in Chapter 4, through the analysis of my own work in the production of *Tagged.*

Chapter 3

Interpreting documentary ethics and young people

Throughout the production of *Tagged*, I was conscious of the ethics behind both the production practices and behind those creative choices that shaped the portrayal. My primary concern was to forge a collaborative relationship shared with the participants and to use that relationship to create a portrayal that would be truthful and revelatory while, at the same time, respecting the participants' privacy and right to self-determination. However, as MacDougall notes, there is a triangular relationship in the production of a documentary, which involves the filmmaker, the subject and the audience (MacDougall 1999). In order to understand more fully the dynamics within that relationship and the impact of the ethics encoded in the visual representation, I put myself into the position of audience to make critical readings of relevant films.

Just as being familiar with the local codes and protocols used in documentary film-making added to my understanding of ethics in production practices, the critical readings enabled me to explore the ways that the visual representation can embody the ethics that produced it (Nichols 1991, p. 77) and focused my thinking on the incorporation of the historical encounter between the filmmaker and the subject in the edited film.

When we are outsiders to a production, as an audience is, the material available to us to study the ethical issues that arise in the making of the documentary is restricted. Apart from the visual text of the completed film, it includes reference material in the form of interviews, director's notes and study guides provided by those involved in the making of the film, most often the filmmaker/s. Analysing this material concentrates our attention, not on any particular ethical dilemma but on the outcome of its resolution, especially in the constitution of a gaze and in the relation of the observer (the filmmaker) to the observed (the subject) (Nichols 1991, p. 78). Through this we are able to consider how the application of ethical principles might affect those who are engaged in making a documentary and thus come to a more considered reading of the values and moral judgements that apply to the issues as we perceive them in the film.

Documenting youth

Over the last thirty years of documentary film production in Australia, there have been many films that have focused on young people. The transition through the teenage years and into adulthood is a real-life journey that encompasses a broad sweep of emotion and surprising twists of fate, all of this taking place within a naturally occurring

framework of a few short years. It is to be expected that filmmakers will be drawn to the documentary film-making possibilities in this passage of life just as they are drawn to the filmic documentation of other significant milestones in the human lifespan. The desire to make sense of the human condition and the place of people in the world is part of the motivation of all storytellers and, in this, documentary filmmakers are no different.

Amongst the many notable Australian documentaries that feature young people are Gillian Armstrong's *Smokes and Lollies* (1976) and the Nick Torrens and Werner Meyer film, *Darling River Kids* (1986). *Smokes and Lollies* was the first instalment of the series S*even Years On* that chronicles sensitive and personal details in the journey to adulthood and beyond of three teenage girls in Adelaide. It is a similar idea to the classic longitudinal documentary study, *The 7 Up Series*, and it shares much of the formality of the set-ups and the stiffness in scenes, such as the family meal times. By contrast, *Darling River Kids* follows a group of young Aboriginal people on a discovery trip to Country, learning traditional information and respect for their land, and, hopefully, a sense of purpose that will help them focus their lives. The story is created with a more fluid approach than *Smokes and Lollies* as the filmmakers record Badger, the trip organiser and Aboriginal elder, using strong elements of direct cinema. The director also appears in the film, as a figure on the edge of frame or as a voice asking questions from off-camera.

More recently, David MacDougall's *Doon School Chronicles* (2000) is an engaging ethnographic study of the social aesthetics of life at one of India's elite boarding schools, set around a number of boys of different ages. Visually, it focuses on the artefacts that describe the qualities MacDougall has observed and wants to capture. For example, he uses the organising of the laundry (and the boys) by using a number for each boy instead of his name, the regimented lines of washing, the stacking of metal dinner plates, or the quiet orderliness of school assembly. These demonstrate the depersonalising of the school population by the regimentation of ordinary, daily activities, but the rhythm and movement in the edited sequences using this material is visually pleasing. Dennis O'Rourke's *Cunnamulla* (1999), while not a film specifically about young people, included a controversial portrayal of two young girls in its story about people living on the fringes of an Australian country town.

As a group, these films span twenty-three years of social history and a broad range of film-making styles, yet the ethical issues that the filmmakers encountered in the course of constructing each documentary narrative recur in more than one film. For example, there is the issue of creating a truthful representation without exposing the

young participants to public humiliation or censure. The portrayal of the girls in *Smokes and Lollies* may not have caused the same level of controversy as O'Rourke's portrayal of the girls in *Cunnamulla*, but it deals with the same sensitive topics of teenage sex, pregnancy and social status. Likewise, Torrens' film deals with Aboriginal teenagers in a country town who are facing a listless, troubled existence just as *Cunnamulla* includes the story of a troubled young Aboriginal man, Paul, who is about to begin a jail sentence.

Cunnamulla attracted enormous public attention and generated debates amongst documentary filmmakers about the ethics of its representation of two young girls, Cara and Kellie Anne. However, other documentaries that combine young participants and sensitive subjects slip by with very little attention. *Doon School Chronicles* may not deal with the superficially controversial subjects that are usually linked with considerations of ethics, but it is a detailed and insightful portrayal of the very traditions and attitudes on which this school has built its significant reputation. As such, there was the potential for embarrassment, or more serious repercussions, in opening the school and its pupils to the camera, and there would have been very real ethical concerns to take into consideration. However, the series did not attract the same controversy not the same public attention as *Cunnamulla,* and as Pryluck (1988, p. 256) observed, debates about ethics are carried out in film reviews and interviews and are linked to particular films or filmmakers, such as O'Rourke's controversial documentaries.

During the time in which I was making the documentary, *Tagged*, Australia's two national public broadcasters, SBS and ABC, funded at least three other documentary projects about teenagers growing up in Sydney. Two of these documentaries were set in the western suburbs of Sydney and one of them was in Canterbury, the neighbouring suburb to Bankstown and very similar in its demography.

The three documentaries were *Plumpton High Babies* (Ziegler 2003a), funded by the ABC and Film Australia's National Interest Program; *Big All At Once* (Havelock-Stevens 2004), funded by SBS and the Australian Film Commission; and *Our Boys* (Brewster 2004), funded by the ABC and the FFC. Along with *Tagged,* they demonstrate very different approaches both to visualising documentary stories and to working with participants who are young people.

At first these documentaries, including *Tagged*, appear to share similarities in their choice of subject (youth) and in their location (the south-west and western suburbs of Sydney) as well as in the socio-economic and ethnic cultures of those areas. However, a comparative study reveals differences in the relationships between the

documentarians and their subjects, in the authorial positions of the films, in the way each filmmaker interprets the subject matter and story and even in the filmmaker's concept of what makes a documentary.

While the completed films reflect the ethical, aesthetic and pragmatic decisions made in the course of their production, the ethical issues they engage with do not seem as dramatic as those found in *Cunnamulla*. Where Dennis O'Rourke generated enormous debate, the discussion about the ethical practices and representation in these other films is limited to the small amount of available supporting material and critical readings of the films. Nevertheless, the work represents an important body of documentary film-making and the ethical issues confronted by filmmakers working within it.

The axiographic space

According to Nichols (1991), an indexical bond exists between the image and the ethics that produced it. "The image provides evidence not only on behalf of an argument but also give evidence of the politics and ethics of its maker" (Nichols 1991, p. 77). Therefore, the authorial devices or the expressive techniques used to create the representation are the evidence of the ethics of the film. These include the use of narration, intertitles, camera movement, framing, and all the other stylistic devices that indicate the hand of the director, and extrapolating from that, the director's attitude toward the subjects and toward the story.

Starting with Mulvey's (1975, 1989) description of the gaze as voyeuristic and festishistic, and building on the previous work of Sobchack (2004), Nichols explores the ethics within this relationship by categorising variations on the gaze. His investigation, while acknowledging the inherent power relationship in the gaze, moves beyond Mulvey's feminist reading and and links the ideology implied in these variations with the stylistic devices that identify them. For example, he describes the interventional gaze as one through which the filmmaker's objectivity gives way to an engagement with the subject so that they have a dialogue, through the axis of the camera. This he calls the 'Ethic of Responsibility' (Nichols 1991, p. 85). Another of his examples is the accidental gaze, which results from the filmmaker's circumstantial encounter with surprising or significant information through the camera lens. According to Nichols this reveals an 'Ethic of Curiosity' (Nichols 1991). The fine distinction between this and morbid curiosity can be the site of ethical conflict.

There is also the clinical or professional gaze, which he locates between detachment and humane response. This gaze is linked with professional practitioners

who rely on such defences as ‘the public right to know’ and it is what I associate with the journalistic imperatives behind the editorial policies discussed in my previous chapter. Nichols calls this gaze the ‘Ethic of greatest Good’ (Nichols 1991, p. 87).

Nichols’ taxonomy includes six distinct types of gaze which describe the involvement of the filmmaker from the least involved (the clinical) to the most (the interventional). However, rather than representing an incremental standard of ethics, Williams (1999, p. 178) suggests that “they may help us to consider … the complex ethical questions raised by new forms of documentary practice that seem to have abandoned the traditional respect for objectivity and distance and call for greater degrees of intervention in the lives of subjects in contexts fraught with sexual, racial, and post-colonial dynamics of power.”

Big All At Once

Big All At Once (2004) is a one-hour documentary in which the director, Tina Havelock Stevens, follows three Sydney teenagers as they cross the threshold into adulthood during the six-month period after the completion of their final exams. The film was an independent project commissioned by SBS with development funding from the AFC. Recorded by the filmmaker using an observational style, the film reflects the relationship that Stevens develops with her subjects in the course of the filming. She was selected by the producers to make the documentary because of her “sensibility, affinity for young people, and the distinct humour and warmth in her previous work” (Second Sight Productions 2003). However, there is a strong sense of her authorship in the project, extending from the careful selection of participants to her description of the finished film as a portrait of herself through the representation of the participants (Tudball 2004, p. 2). In addition, she recorded both picture and sound, giving herself not only the freedom to follow the participants and to build a relationship with them, but also a strong authorial position from which to create the film.

Big All At Once stands out for its representation of the relationship which developed over the six-month shooting period between the director, Stevens, and the three subjects. The producers advertised for participants and, along with the director, interviewed, short-listed and re-interviewed, both on and off camera (Second Sight Productions 2003), over a hundred applicants, finally selecting three with whom Stevens felt a close connection (Tudball 2004, p. 9). Despite the pragmatic selection process, there is certainly a strong relationship evident in the gaze. The three subjects engage with Stevens through the camera, and her rapport with them manifests in the ease with which they chat with her and small playful moments such as when Simona splashes tea across the camera lens and laughs.

In supporting material, Stevens describes her personal memories of growing up. "I remember being a teenager quite vividly. I remember feeling everything intensely … So here you are feeling like this and the powers that be are making you do exams, moving you on from school and hitting you with words like 'career' and phrases like 'the rest of your life' (Tudball 2004, p. 2). Possibly these powerful recollections are responsible for such a resonance between her and her subjects and she certainly admits to bringing her personal experience to the film. "People who know me very well have accused me of making a self-portrait which I could subtitle the 'three faces of Tina'. This makes me laugh 'cause it really wasn't conscious–I don't think!?'" (Tudball 2004, p. 9).

Stevens' also describes the responsibility she felt as having the subjects' lives in her hands and developing a mother tiger-like protectiveness towards them. "It was all about representing them lovingly and truthfully" (Tudball 2004, p. 9). These descriptions support a sense that I, as a viewer, developed. This was that the relationship between Stevens and her subjects exemplified an 'Ethic of Responsibility' as Nichols argues occurs with the interventional gaze (Nichols 1991, p. 85). The evidence within the axiographic space of the film is demonstrated by such expressive techniques as holding the camera on the action in such a way as to allow the subject to interact with it and with the filmmaker behind the lens. For example, Nick has failed his final exams because he concentrated on the subject he loves, music, against the advice of his mother, who has made her displeasure well known. She also thinks Nick should put his music aside and concentrate on finding work. Nick knows that his mother likes his music and he understands why she is upset, but he also wants the dark cloud of displeasure to disperse. In one scene, Nick asks his mother whether she liked a performance. From the tone of his voice and especially from the look and the grin that he directs towards the camera, we realise that he is provoking his mother, so he can challenge her displeasure and lighten her mood. However, the attitude shared with the camera, and the filmmaker behind it, implies that he and Stevens are complicit in making the point about his mother's attitude.

The film is narrated by Stevens in a knowing tone that suggests wry, sympathetic observation. It delivers necessary information that explains changes in the subjects' lives. It also provides some generalisations about the experiences. The commentary has a diary-like effect and personalises Steven's involvement in the film, adding to a reading of her 'Ethic of Care'.

Plumpton High Babies

Aviva Ziegler's *Plumpton High Babies* (2003a) follows one year in the lives of nine teenage mothers in western Sydney as they participate in a public high-school program that gives them special support to complete their schooling. Commissioned by the ABC, the film documents the difficulties and joys of being a very young mother and a schoolgirl all at once. It records the subjects' lives both at school and at home, but where *Big All At Once* is about three individuals, *Plumpton High Babies* is about the Young Mothers' Program told through the experiences of the girls. This difference in focus is important in thinking about the ethical position of both films. One consideration is that Stevens was working on a personal, one-on-one basis with each of the three young people in her film. Ziegler was working through an institution (the school), with a crew and with a number of participants, their families and friends.

Ziegler describes the relationships forged with each of the girls in *Plumpton High Babies* as giving her access to some of the most significant and deeply personal moments of the film, "Getting the families to phone me to be there for the birth was for me a testament to our relationship. We got there in time to capture the arrival of both Simone's and Kirsty's sons. I felt very honoured and privileged to be included" (Ziegler 2003b). This experience of bonding with the participants while making *Plumpton High Babies* is also a description of the ethical context in which she worked.

Teenage and schoolgirl mothers are often the subjects of social criticism, encouraged by negative stereotypes that are presented in public arenas such as the media. One of the documentary participants, Simone, told Ziegler that her reason for being involved in the documentary was to dispel that stereotype. "She wanted people to know that just because she was pregnant didn't mean she was a right (sic) off" (Ziegler 2003b). So often the work of social documentarians is concerned with dispelling stereotypes such as this, revealing the real people behind the clichés, the individual stories hidden within the collective picture and the personal detail obscured by the general formula. However, in doing this the girls in *Plumpton High Babies* are represented as social victims. Such work provokes a host of ethical deliberations, such as how the representation of individuals and their stories in a documentary film may influence public opinion toward them either favourably or antagonistically. Where it is imperative for the journalist to seek to balance a report or investigation by including different external points of view, the documentarian may seek, quite legitimately, to tell a story from one person or group's point of view, creating balance from inside the story, that is, to acknowledge the position from which the film is emerging.

For example, Ziegler manages to tread a discreet pathway through the many personal issues of teenage pregnancy, sexual activity, abortion, failure, success and

the emotional ups and downs of relationships in *Plumpton High Babies*. She not only creates empathy for her participants, she also treats them with dignity.

She also described the shooting as a personal journey of discovery for her as director. “As the year progressed I became more and more involved in the lives of the girls. Each milestone or disappointment was also mine and the rest of the production team. When the women received their Year 10 certificates we were delighted for them. When some of them dropped out of school I was constantly reminded by the all-accepting Glenn that success can be gauged in many different ways. He made me realise that my middle-class values of success and achievement are not necessarily for everyone. These very capable girls (sic) belief in themselves may still be somewhat restricted by the world around them” (Ziegler 2003b).

In this, Ziegler is describing the mediation of the headmaster, Glenn Sargeant, whose agreement made it possible to film the documentary. His dedication to the Young Mothers’ Programme is significant to its success and it is his ethic of care that imbues the film and influences Ziegler’s attitude to the story, which otherwise is one of professionalism. Within the film, Glenn contextualises the information that we receive about the girls and generalises from specific information, such as the discovery that one of the girls is dropping out, to explain how this fits with the social patterns that recur.

The series is an historical record of Ziegler’s encounter with the Young Mothers’ Programme, represented by Glenn, Rebecca and the young mothers who agree to take part. Ziegler is the more detached but not clinical director, occasionally seen in shot, but mostly present beside the camera, as the person to whom Glenn or others talk. Adding to the detachment are the images and sound captured by a professional camera crew. She narrates the series, setting up the concept of the series and the premise for each episode, delivering necessary information such as changes to a mother’s home circumstances or background detail that adds meaning for an impending scene, and she does this using a kindly tone of voice. Glenn and the others are subjective. It is as if they and Ziegler undertake to tell this story together, with Glenn as the guiding hand. Ziegler’s professional gaze, which values objective but sympathetic observation and focuses on telling a story of social importance, combines with Glenn’s interventional one, which is passionate about the social change in which he is personally involved. The engagement between them delivers a documentary representation, not of the young mothers, but of the Young Mothers’ Programme.

Our Boys

Our Boys (2004) is a series of four half-hour programs that follow the efforts of staff at a large Sydney high school to get their boys through the NSW high-school system. Each of three episodes focus on an individual boy while the last follows two boys who are about to sit for their final exams. The production team of director, Kerry Brewster, and sound recordist/editor, Andrea Lang, shot the majority of the film with additional crew shooting extra material. The series was commissioned by the ABC and screened in the same time slot, *Reality Bites,* as *Plumpton High Babies*.

Although *Our Boys* focuses on five boys from Canterbury Boys' High School in western Sydney, like *Plumpton High Babies,* it also represents an institutional focus by telling the story of the teachers and staff, who work against many odds to get the boys through the system. The director, Kerry Brewster, is reported as saying that she "became interested in Canterbury Boys after a relative told her about the way Glasser[8] (an educational system developed by US psychiatrist, William Glasser) operated in the school. And once she began filming, she rapidly found inspiration from Mohamed and four of his classmates." (Burke 2004) However, the viewer who is unfamiliar with Glasser's system is not given clues within the film to identify the system as it operates in the school. Nevertheless, there are many clues in the text to the ethical focus.

The gaze is between the filmmaker who shot most of the film and the people with whom she interacts, the teachers and staff, the boys, their families. In doing this, the tone is one of objective reportage as she moves between these groups gathering information to support an argument about the boys' needs and demands for special support and the emotionally tumultuous work of the school staff in supporting them through a complicated system. The series is made up of many different styles of shooting. For example, there are set-ups such as Roni, his mother and grandmother looking at photos and talking about the dramatic events of their escape from Iraq, and undirected actuality such as Roni's outburst during the soccer match or Felipe meeting his friends at the train station. There are interviews with staff, such as the School Principal, in which they talk about the individual boys and there are interviews in which they talk of their feelings about their work. They deliver a lot of practical and plot information. They also contextualise a lot of information so we understand the story but there is not really any analysis of the story. The commentary is constructed from interview grabs with staff, the boys and their families and occasionally using text on screen or selected footage to contextualise information. For instance, news footage of

[8] US psychiatrist William Glasser founded the Institute for Reality Therapy in Los Angeles in 1967 and developed his system of consultation and mutual respect, whereby young people were encouraged to be equal participants in a community rather than simply follow rules set by authority figures. At the time that *Our Boys* was filmed, the system had been in operation Canterbury Boys' High School for 14 years.

night bombing carries the intertitle, *Baghdad*, and precedes a school assembly, raising the impact of these international events for the boys in the school.

The episodes are constructed using overlay footage, some of which is actuality, to demonstrate what the audience is being told about the boys. The boys themselves also

provide some information through interviews, but most of the knowledge about them comes from members of the school staff, including the headmistress and the school counsellor, who act as informants, passing on facts and sharing their professional assessments of the boys. For example, they discuss the boys' progress and describe their family circumstances, their learning difficulties and their potential.

The construction of the film is also matter of fact. The principal describes an encounter with Roni in which he related the traumatic story of his family's escape from Iraq. The film cuts to Roni, his mother and grandmother looking at family photos. The framing changes a couple of times as they relate a very moving story. The film cuts back to the principal who interprets the story and contextualises it within the context of the documentary story, which is about how the school will get Roni through the system.

The ethic that emerges from the *Our Boys* is one of 'greatest good' as demonstrated by a clinical gaze in which the director relates with the boys and the teaching staff. The project has the professional tone of a reporter and the attention to making statements and providing supporting evidence, followed by a further statement and evidence, in a pattern that builds a preconceived argument in the journalistic tradition. Although there are small moments when the team follow an undetermined thread, such as Felipe's referral to a special educational facility, the documentary in the main gives the impression that the argument was predetermined and that in creating the recording, the production team was observing events impartially and judging whether or not they supported the case. Adding to this sense is the detached gaze of the director, which is reinforced with an editing style that cuts out of the action and moves the viewer quickly on to new information. There are few pans or tilt and there are few shots with movement in the frame. The shots are not held to see what might happen beyond the immediate action. For instance, Anne Martin counsels a boy such as Roni or Mohammed. We see tight close-ups as she speaks or as the boys respond, but then the scene is over. Consequently, we have the feeling of being admitted only to part of the event, the part that adds to the argument. Anne Martin tells us she hates suspending a boy from school but we don't see the moment when that feeling, or any other like it, is visually expressed.

The attitudes towards the subjects in both *Our Boys* and *Plumpton High Babies* is of them as social victims, in the Griersonian sense (Winston 1995, 2000). The boys chosen as the focus for the episodes all have serious issues and demonstrate a point of the argument. Between them they demonstrate illiteracy, serious family disruption from death, disability, road accidents, international events, dislocated families, family pressures, language difficulties, social stereotyping, loneliness, lack of discipline that all contribute to disruptiveness, underachievement, frustration and anger issues. The school staff are also social victims in the sense that they are caught between their human feeling for the boys and a system that is complex and provides little flexibility for boys like theirs. The stress of dealing with this falls on them.

Cunnamulla

Cunnamulla (O'Rourke 2000) is a one-hour documentary that profiles a series of characters living in an isolated country town in outback Queensland. Although the film was funded, like *Plumpton High Babies,* by Film Australia through its National Interest Program, and the ABC, the result is a highly authored, often amusing and contentious portrayal of a group of people that reveals their foibles and some of the town secrets. Dennis O'Rourke recorded the film using observational techniques that he has honed over many years of filming ethnographic-styled films.

The opening scenes of *Cunnamulla* depict flat brown plains, hot and dry, and our consciousness is filled with the sound of sheep. An old road sign identifies the place and an intertitle locates the time as the months leading up to Christmas.

With this film, O'Rourke attracted praise for his excellent storytelling and the empathy he creates for its characters. At the same time, he has drawn criticism on a range of issues from his failure to create a balanced representation of the townsfolk through to his blending of fiction and non-fiction and his reproduction of Australian clichés. However, the strongest reaction has been reserved for the film's portrayal of thirteen-year-old Cara and fifteen-year-old Kellie-Anne, in particular, for what seems to be a prurient concentration on their sexual activities.

The contract between the documentary filmmaker and the documentary audience is predicated on an understanding that the depiction in the film is truthful (Beattie 2004, p. 11; Nichols 1991, p. 85; Rabiger 2004, p. 109). O'Rourke (Spring 2005, p. 147) speaks about his value for truth. If something arises during the making of the film, he cannot be untruthful, he must include it. He has defended his inclusion of Cara's and Kellie-Anne's revelations on the basis of truth as well as the public right to know and the consent defence.

He is quoted as saying that the information about the girls is not secret in Cunnamulla and therefore it was legitimate to use it because he was simply revealing already well-known information. He has also said, “For me, the overriding issue is the way that Cara and Kellie-Anne are spoken of and abused by men and boys in the town. It’s not the girls who are bad, but those around them – the hypocrites” (Cullen 2001, p. 4). O’Rourke claims his motivation was the desire to expose the immorality and hypocrisy of the men who are abusing the girls (Cullen 2001, p. 4). The suggestion here is that by making the information about this activity public, O’Rourke is being socially responsible and possibly contributing to a resolution of the problem.

If we use Nichols’ techniques for exploring the ethics in the representation (Nichols 1991), we can isolate the elements that make up this depiction and make a critical reading of the ethic behind it. For example, we can study the embedded meaning in the visual composition, content and treatment of the scenes in which they appear. There is the scene in which Cara and Kellie-Anne are sitting beside the road, talking with O’Rourke as he elicits the revelations from them. O’Rourke persists in asking them what the boys say when they pressure the girls for sex and the girls finally respond with a number of the expressions that the boys use including, “Gisacrackatcha”. It is not surprising that much of the debate surrounding *Cunnamulla* arose because of audience shock at viewing this portrayal.

In another scene in the documentary, O’Rourke films the girls in a house with two boys. The girls sit on a bed, smoking and chatting with him and trying to draw their companions into the conversation. The boys appear absorbed in a video game as the girls speculate on what they would do if they got pregnant. They then tell O’Rourke explicit details about their experience of intercourse, including methods of contraception and how they practise withdrawal. For example, Cara describes how some boys will ejaculate on her stomach.

Nichols argues that “the question posed to the spectator then, is not what kind of imaginary world the filmmaker has created but how the filmmaker acquitted him – or herself – in relation to those segments of the historical world that have become the scene of the film” (Nichols 1991, p. 79).

O’Rourke has consistently defended his use of the girls’ revelations on the basis that they not only gave consent but they gave it freely. Yet if we make a critical reading that includes examining where he stands in the space of the film and how he addresses the subjects, in this case the girls, the reading that emerges is indeed prurient. There are traces of discomfort and embarrassment through the girlish giggles as Cara and Kellie-

Anne make their disclosures. Although the camera is placed at the eye level of the girls, Kellie-Anne's eye line looks up to O'Rourke, revealing that he is in a position where he is looking down at the girls. If we extrapolate from this scene, we have an imposing, male figure, with considerable experience in drawing revelations from individuals and a legendary persuasive ability (Ansara 2001), engaging two young girls who are unaccompanied by responsible adults, in an explicit conversation about their experience of intercourse.

The ethic that emerges here is not one of detachment but of involvement and curiosity, perhaps even of surprise at the information he is discovering or of their agreement to disclose it. Yet there is also a sense of detachment in the coolness of the decision to continue filming and in O'Rourke's arguments that its inclusion in the film is for the public good. His use of this and his other defences suggest a professional gaze in which he justifies his ethical practice on the basis of their application to an ethical code.

O'Rourke's controversial inclusion of this story can be compared with Ziegler's uncontroversial portrayal of the hugely sensitive, intimate moment of birth, which equally involves potential for embarrassment and reactive feelings of intrusion. Sobchack (2004, pp. 236-270) argues that the "human bodily transformations" of excretion, sexual union, and birth, along with death, challenge the social acceptance of documentary representation. Thus in recording the birth, Ziegler is treading on sensitive turf but manages to create a representation that an audience can accept, as evidenced by the lack of outrage following the broadcast and distribution of the series. There may be many reasons Ziegler did not attract a controversial reaction. For example, many people might feel more comfortable with her filming the birth because she is a woman, without realising that a man is in fact operating the camera. However, a significant reason is that the gaze – that intense look of the audience on the events played out on the screen, is effectively inscribed with a moral position that is, at least, mediated by the camera and those involved in constructing that portrayal.

Where O'Rourke is standing over the girls and discussing these intimate details, Ziegler is accompanied by a professional camera crew who, although quite probably moved by the intimacy of the event they are recording, are doing so in a detached and professional manner. This is revealed in the images, for example, in the sensitive placement of a sheet, the lack of extended shots of the young mother's face expressing pain and distress, the concentration on the soothing gestures of her mother helping her through the birth. The story that is being told here is one of warmth and love and comfort overriding the physical pain. The way in which the scene is shot makes it more acceptable and less challenging for the viewer.

On the other hand, it is not only the content of the discussions that creates the controversy in Cunnamulla, but the gaze which, at times, borders on erotic rather than ethical. The audience senses a level of curiosity in the gaze that addresses itself to the audience's own responses. Some find it exciting. Others find it prurient and distasteful. The ethical controversy lies in the conflict between these two positions.

Conclusions

Making critical readings of films such as these four, in the light of theoretical arguments such as these relating to the location of ethics in the representation, provided me with a valuable position from which to consider my own ethical stance. It placed me at the third corner of the triangular relationship between the filmmaker, the participant and the audience (MacDougall 1999). I had access to teachers' notes, other articles and interview material about the film, but my information about the ethics and the ethical stance of the filmmaker was mostly limited to my readings of the information encoded in the text. This made me conscious of exploring the embedded values that Rabiger describes as "values so natural to the makers of a film that they pass below the radar of awareness" (Rabiger 2004, p. 244).

In doing this, I deliberated at length on what ethics would inform my work and how they might be represented in the axiographic space of *Tagged*. In particular, I was conscious both of working with young people and of my own ethic of responsibility towards them. I was also conscious of my responsibility towards myself as the creator of a work and towards the audience, who would rely on the representation to be a truthful record of the encounter between these young people and myself.

My conclusion is that the expressive techniques or stylistic devices, in themselves, don't define the ethics of the filmmaker or of the film, instead it is the filmmaker's use of expressive techniques to portray his/her stories that embodies the different ethics. For example, Ziegler and Stevens both use voice-over narration but the ethical stance that I interpret from their films is different. Likewise, filmmakers may seem to share an ideological standpoint, but their uses of stylistic devices are different. For example, the professional, detached gaze demonstrated in *Plumpton High Babies* and *Our Boys* is achieved using very different uses of filmic techniques, such as the length of time a shot is held, the pace of cutting, the framing of the scene, the locations chosen for capturing information. These different uses of technique sublimate such similarities as the school setting, the age of the participants and the presence of mediators. Yet these elements are also crucial to the ethical stance, as I discuss in the following chapter where I examine the ethics in the making of *Tagged*.

Regardless of the process that we use to bring the story together, where we are filming with vulnerable members of society, such as minors, surely a primary concern should be for their welfare and how we can document their stories without compromising their wellbeing. As Somerville points out, ethical issues arise when values conflict (Somerville 2000b). The solution is not to avoid the conflict but to identify its cause. In doing so we can create an ethical position for our work which serves as a foundation for dealing with ethical conflict as it arises. If we consider that grappling with such dilemmas is within the role of the storyteller, then it is essential for documentary filmmakers, in recording real stories about human engagement with each other and our world, to understand the values inherent in their work and their ethical positions as storytellers.

Chapter 4

Ethics in practice: the making of *Tagged*

Tagged is a documentary film that follows four young people, Paul, Rhonda, Sara and Tony through the significant transition years from childhood to adulthood. In telling their stories, they each express their distinct perspective of growing up in the infamous 'dirty south west'[9] of Sydney, between 2002 and 2005.

Ethics can impinge on the work of the documentary filmmaker through the ethical practices in production and through the representation of the ethical stance in the text. This study of ethics grew from my questions about how I could produce *Tagged* in such a way that the participants would be treated ethically in both these areas. With *Tagged*, the development of ethical production practices ran parallel to the creation of the documentary narrative. Just as the story was refined through the processes of rewriting and editing, my understanding of the ethics that informed my work was similarly refined through the process of dealing with issues of ethics in the production.

In this chapter, I explore the reasons for my concerns about ethics in the production of *Tagged* and examine my approach in developing my ethical practices. In studying the ethical issues and decisions that were most relevant to the production, I elucidate the moral values that underpinned them, clarifying the ideology on which they are based. Most importantly, I describe how these values are encoded in the film and how they informed such practical choices as acquiring consent. In particular, I argue that the collaborative relationship established with the participants is the link between the ethical dilemmas about representation and subjectivity encountered during production and the ethical portrayal of participants in the visual representation on-screen.

Ultimately, I came to see the ethical issues that arose in the production of *Tagged* as ones of respect, relationship and representation.

Creating an ethical stance

When I resolved to make the film, I did not realise that I would also make a study of the ethics inherent in my aesthetic, discursive and production practices. Yet, from the very conception of the idea, I was faced with ethical quandaries and considerations, some of which came from deep beliefs that I had about the production process, such as the

[9] Dirty South West is the name that Paul and his boys gave to their rap crew. They also use the term as a playful reference to the south-western suburbs of Sydney, especially Bankstown, which they consider to be 'their turf'.

importance of truthfulness in representation. Others evolved from this story of young people in Bankstown.

A crucial influence on my study of ethics was the media reporting of the events in the recent social history of Bankstown, which created an environment of distrust amongst local young people towards anyone who seemed to be part of the media. That distrust extended to me, even though I considered myself, as a documentarian, to be different. The consistent attitude of suspicion was confronting, especially because it challenged the very ethics of my project, that is, whether I had a right to explore this social issue when, outside the film, I was not deeply involved. It also left me with a heightened sense of responsibility towards the young people with whom I was hoping to work, and I deliberated at length about how I could develop a documentary with them.

My first concern in developing *Tagged* was about whether the film should be an objective portrayal of historical events or a subjective story, in which case, whose story should it be? Along with such issues of subjectivity came ones of representation. The young people's complaints about the media arose from negative portrayals. Would I fall into the trap of tailoring a favourable representation in an attempt to counter their suspicions? There were also concerns about the degree of mediation that I should bring to the project, especially if their responses to past experiences with the media were causing me to feel protective towards them. There were also other concerns about the degree to which I should extend my duty of care towards participants because of their age.

While there were practical concerns relating to consent, payment and privacy, they reflected the major concerns about subjectivity, representation, mediation, and duty of care. In turn, the key to the ethical choices that I made in relation to all of these lay in a fundamental value for individualism over collectivism. Although this valuing of the individual was present from the beginning and was expressed consistently as a theme through draft after draft of synopses, treatments and other story documentation, its real significance as the underlying ideology became apparent through making the film.

The ethical stance

From the outset, I envisaged that the documentary would ‘give voice’ to the young people, enabling them to reveal the personal characteristics of their lives and their personalities. The image of Bankstown’s young people that emerged from media reports was a collective one that portrayed them as Middle-Eastern or Asian lawbreakers and hoodlums. Yet my encounters with other young people growing up in

similar areas revealed a culturally and ethnically diverse group of young people with interesting, original attitudes and ideas.

Triggered by initial encounters with young people in Bankstown, my reaction came from a sense that the young people's rights as individuals had been infringed. It was not only that the media portrayals were so negative and relied on defamatory stereotypes. They also diminished the young people personally, by overlooking the distinctiveness of their individual characters and the many differences in their lives, reducing them to generalisations. My reading of the media portrayals raised in me a sense of unfairness in addition to that initial defamation.

Guiding the development and production of *Tagged* was an even deeper belief in the importance of respect between all parties involved in the production of a documentary. I sought to have a respectful relationship with the participants, in which my value for their individual perspectives, ways of being and contributions to the project was reciprocated by their value for my professional and creative judgements. Since this idea of respect was the basis of my concerns about ethics, my focus in *Tagged* was on creating a collaborative relationship with participants that in turn would enable us to develop a rich and honest portrayal of them as individuals.

The ethical stance is the position taken in relation to the moral values behind the creative and practical dilemmas that I encountered from the outset of the production. For *Tagged*, these were my respect for my own creative ability and expertise as well as the social value that I attributed to the young people with whom I hoped to work. In addition, there was my professional value for truthfulness and honesty in the story.

My stance with *Tagged* was to establish a collaborative relationship that would enable the young people to contribute to the film to the degree to which they wanted and in a way that they chose. It was my belief that through such a relationship, their personalities and individual characters would emerge. This would allow me to structure a documentary that made a positive statement about the value of the individual, and in doing so, emphasised the diversity beyond the stereotypes portrayed in the mainstream media.

The process of establishing an ethical position during the development of the project was a valuable one on many levels. It provoked thoughts about the potential conflicts that might arise during the production and it caused me to consider why such conflicts might be ethical ones. It also prompted me to examine the values inherent in my ideas and judgements, and to consider why particular issues were so important to me.

The ethical stance also gave me a foundation against which to consider quandaries that arose along the way. Although there were some issues that appeared to emerge independently, most of my dilemmas could be traced back to a conflict of values that emerged in the ethical stance. The original ethical stance for *Tagged* remained consistent for most of the production, but this did not mean that by creating that stance, I had addressed the ethical issues fully. As can be seen in the following examination, ethical quandaries and dilemmas needed to be considered against the ethical stance throughout the course of the production, but I also re-evaluated my ethical stance at regular periods to assess its continued relevance to the unfolding circumstances.

The work of creating an ethical stance, identifying potential conflicts and issues, and determining strategies for dealing with these was not undertaken in isolation. My earlier chapters reflect the considerations that I gave to theory (Chapter 1), to the codes, policies and protocols that influence the documentary film-making landscape in Australia (Chapter 2), and to ethics as they appear in the visual text of other relevant documentaries with young people (Chapter 3).

I was especially concerned to locate relevant material to guide my work with young people, because they are the focus of *Tagged*. The national standards in human ethics research and the general ideas about respect and relationship in production contained in the various Indigenous Protocols provided beneficial reference material. I also found valuable guidance in theoretical readings, especially of MacDougall, Renov and Nichols (Gaines & Renov 1999; Lutekaus & Cool 1999; MacDougall 1982, 1995, 1999; Nichols 1991, 2001; Renov 1993, 1999; Renov, Ginsburg & Gaines 2004), in which ethics is linked to visual representation and participatory or collaborative working relationships.

The process of investigating the existing codes and policies and searching for guidelines for working with young people highlighted, for me, their dual function. While the purpose of such guidelines is ostensibly to protect young people, they also serve to protect those individuals who are working with children by providing a framework of acceptable behaviour. If practitioners follow this framework, they have a reasonable assurance that they are complying with established standards.

Identifying ethical issues

Issues of consent, payment and privacy are common to research projects across disciplines, but in the case of *Tagged,* the specific conflicts or dilemmas that arose within these issues, in fact, evolved from my ethical stance. For example, my concerns about acquiring consent were based in wider issues about establishing a collaborative

relationship that would foster an ethical portrayal created by the participants and me. Likewise, my concerns about payment were linked to broader questions of truthfulness and performance. The ethical stance had ramifications for all areas of the production and in particular those where it related to the representation of the young participants and my relationship with them.

Considering that my major participants would be teenagers, aged fifteen to nineteen-years-of-age, the significant production issues that came immediately to mind were ones related to working with young people, such as identifying the impact that their involvement in the documentary would have on their lives. For example, what demands would be made on them? To what degree might the film, or I, intrude into their lives? It was necessary to think about both the short-term demands of production and also the longer term ones of how the recording, editing and distribution of the film might affect their lives. There were also potential problems to consider. For instance, the possible conflicts between the interests of different stakeholders such as participants, local youth workers or funding bodies; possible constraints such as those that the participants' age might have on the style and degree of contact with me; or the possible risks such as embarrassment or distress.

My ethical position on the role of the young participants was to film them as openly and honestly as possible without intruding on those areas of their lives that, they felt, were private. This meant setting a balance between respecting their privacy and treating them with dignity while, at the same time, capturing them in real activities and contextualising these to ensure that the resulting picture was honest. In addition, I gave serious consideration to the way that the visual representation, discourse, and the filmic techniques were likely to reflect an ethical stance and what issues were likely to be encoded in the film. This was in order to ensure that such encoding was in keeping with the ideology and ethical stance that were emerging and it included such issues as representation, subjectivity and ethical practices.

As Somerville (2000b) suggests, ethics are incorporated into our lives on many different levels and from different sources, and it is conflict between any of these that gives rise to ethical dilemmas. One of my strategies in developing *Tagged* was to identify areas during the project development where I thought there would be a conflict in values, and then to identify the ethical issues inherent in these.

Preconceptions

At the start of the project, I realised that if the media reports were allowed to influence my impression of young people in Bankstown, the film could be coloured by possibly

inaccurate preconceptions of drama and conflict. Likewise, if I relied on an impression formed from my encounters with young people who were growing up in areas similar to Bankstown, this also would create preconceptions that were not entirely accurate. I couldn't assume that the young people would be the same just because I thought they had similar backgrounds.

For the documentary to be a truthful encounter with young people in Bankstown, I needed to be assiduous in leaving preconceptions and assumptions behind, opening myself as much as possible both to the young people I might meet and to what they might bring to a documentary. However, in the course of developing *Tagged*, I grappled with this issue and questioned whether I could legitimately claim to achieve this and, if not, how such preconceptions would influence the story.

Truthful representation

Behind the concern about preconceptions, there lay a conflict between my social value for individual freedom of expression and my professional value for truthfulness and honesty. With *Tagged*, the idea of assisting young people to tell their own stories met my social value for freedom of expression, but because I didn't know what circumstances I would find in Bankstown, I couldn't be certain about the portrayal that would emerge. My prior encounters with young people elsewhere suggested that I should find a range of stories that were broader than the press reports of youth crime and social problems, but it was also possible that the stories I found in Bankstown would substantiate the media reports. My professional value for truthfulness and honesty demanded that the documentary depict what I encountered in Bankstown, even if it supported the negative portrayal that caused young people to be so antagonistic towards the media.

At the same time, there was an additional dilemma in this conflict between freedom of expression and truthfulness. The idea of stereotyping or labelling was contrary to my value for the individuality of the young people and, as a result, would be both dishonest and disrespectful. However, my attempts not to stereotype could tempt me to the other extreme of colluding with the participants to create an idealistic portrait that would be equally dishonest, and a breach of my ethical responsibility to the audience. The idea behind the collaborative relationship was that it would promote an honest portrayal of the participants by encouraging their individual expression. In this sense, it needed to be ethical as well as collaborative.

Duty of care

From this dilemma, there emerged another issue that related to the potential conflict between my 'duty of care' for the young participants and their right to autonomy. In this I recognised Tina Havelock-Stevens' description of her 'tiger-like protectiveness' towards the three young people in her film *Big All At Once* (Tudball 2004, p. 9). As both an adult and an experienced filmmaker, I felt a degree of responsibility for the young participants but I also value the individual's right to autonomy, inherent in which is the responsibility to maintain a separation from the participants. Although they were legally minors, I had no authority over them, and had no right to appoint myself as a minder. The ethical issue here was about the degree to which my responsibility could and should extend, before mediating their involvement intruded on their right to make autonomous decisions.

Subjectivity

Initially there was a question of whether the documentary should be objective in portraying a broad picture of young people in Bankstown but, once I had established the importance of countering stereotypes and portraying the individual perspectives, it was clear that *Tagged* would be told from subjective points of view. The dilemma that then emerged was about whose subjective point of view should take precedence and how I could ethically create a subjective story about young people growing up in Bankstown while at the same time, acknowledging my authorship of the documentary. The answer to this lay in the quality of the relationship nurtured with the participants and in the filmic techniques used to create an ethical representation.

However, there was another ethical issue about subjectivity to consider. Although I could collaborate with the participants to create a subjective story, and although it can be argued that the filmmaker has some control over the audience's interpretation of the story, this control is not total. It would still be possible that an audience could draw elements from the subjective story to generalise about young people in Bankstown, and in doing so objectify the participants to some extent.

At times, having dual roles as author and as mediator, helping to shape the creative input of the participants, created an ethical conflict between my personal value for my authorship and my social value for the participants' right to tell their stories from their points of view. The dilemma that emerged from this conflict was about balancing these dual roles to maintain the ethical treatment and ethical portrayal of the participants.

This meant that, as mediator, I created an environment in which the participants were able to contribute not only the ideas and opinions that they express in recorded conversations but also the ideas and suggestions that helped to shape the

documentary, such as those about content or choice of locations. It also enabled them to determine how much or how little information to divulge about their lives and at what pace they would reveal it, especially when the information included sensitive detail.

It also meant that while I provided the authorial skill to shape the discourse and the visual representation I did not really know until close to the end of the project whether I would have the material to craft a dramatic story. I knew privately about Tony's struggles with language, cultural issues and independence, but he kept avoiding direct discussion of the issues, instead making small allusions here and there. It was only at the end of the filming, when he was about to leave Bankstown and his family that he, briefly, referred to the core issues on camera. At the same time, he and Mohammed use their final meeting to recount some of the 'mischief' they had been involved just prior to and at the start of filming three years earlier. The information they would not have told me at the start of the project is revealed in the final stages of production and with the analysis that comes with hindsight. The strength in this material is in the truth of the story and the spontaneous way that it is revealed. It is also one of those moments that represent the truthfulness in the historical encounter between us.

Payment

As discussed in Chapter 1, there are many arguments both for paying and for not paying participants. With *Tagged*, the ethical concern about payment was based on valuing the participants' involvement at the same time as managing the concept of payment as an exchange for their participation.

It was important to acknowledge that the young people's participation was valued, however, since I was unsuccessful in securing production funding for *Tagged*, it was necessary to find alternative ways to acknowledge and value their contributions. For instance, I could ensure that the outcome of the project would be a completed film that would provide the participants with a sense of achievement. I could also ensure that the experience of making the film would be inclusive, productive and satisfying for them. Where possible, I could also ensure that they achieved their purpose in agreeing to participate. A film has many outcomes that carry value for its makers, for example, an appreciative reception from an audience. *Tagged* has an educational value, especially in the broader community where attitudes are influenced by the negative media reports. It may benefit other young people growing up in similar circumstances.

It provides the participants with a substantial record of these significant years when they were growing up. According to Tony, our conversations were the most significant part of the process for him. Paul and the boys have video footage that records the early

development of their rap style and, using my access to recording facilities, they have additional, professionally recorded, demo tracks. The filming of her performances satisfied some of Rhonda's desire to perform and it gave Sara a valuable opportunity to speak her mind and have her opinions known.

At the same time, ethical issues can arise when payment is regarded as one side of a transaction that involves the exchange of goods or services. For example, the issues may relate to expectations about the quantity and quality of the services, which may be seen as 'participation', or 'commitment' or 'performance'. In the case of *Tagged*, the participants had agreed to participate in the documentary. They were free to withdraw at any time or to renegotiate the detail of their involvement. Filming took place around their availability and they nominated the times and the locations. In addition, I knew that whenever I travelled to Bankstown to film with one of the participants, there was always a possibility that the effort would not produce useable material. This could be for a multitude of reasons such as practical ones when a participant either forgot or where perhaps bad weather intervened or it might be for subjective reasons such as a lack of spark in the conversation or a lack of new information that contributed to the development of the story. This loose arrangement between us meant the encounters with them resembled the way they made arrangements to meet friends and this casual, friendly nature influenced the relationship that was captured on tape as we interacted through the camera.

Expectations on either side about the quality and quantity or frequency of our encounters would have introduced an element of pressure into the relationship that may well have, to some degree, eroded our collaborative and ethical relationship. For instance, it would have raised my expectation about the participants' level of commitment. Instead of a casual, friendly encounter, our relationship could have taken on a more businesslike quality as I felt an imperative for each shoot to produce useable material. In doing this, it would have been hard to resist structuring that material in order to ensure that it fitted the story. The idea of the story unfolding as the participants and I got to know each other would have been replaced by a more formal encounter.

Another consideration about payment is the balance between the contribution of participants and the investment of the filmmaker. For instance, my commitment of time, material resources and creative endeavour was much greater than those of the participants. As a result, I acknowledge my right to receive a return for my work, in some form. This is rarely referred to in theoretical discussions about ethics where the emphasis is on the contribution of the subject to the work of the filmmaker and there is an implicit suggestion that the participation of the subject is under the control of the

filmmaker. One way that I attempted to address this was to ensure that the participants in *Tagged* had a substantial measure of control over how they would be portrayed. They also had the opportunity to enforce that control by being involved at various stages of the process, including viewing rushes, assemblies and cuts of the film.

There were also other ethical concerns that I would identify through the stages of research, development, production and post-production. These arose from such issues as identifying participants, acquiring consent, the implications of payment or incentives, degrees of collaboration and intimacy, the ramifications of the choice of filming strategies, maintaining participation, and the emergence of voices during editing including through such filmic interventions as the use of dialogue and subtitling.

The emerging story

The production process for a film is commonly divided into periods of pre-production, production and post-production, but making a documentary is much more fluid than this sectionalising suggests. Ethical issues that appear to be linked to particular production stages, such as gaining consent during pre-production, may, in fact, need to be addressed across a broader time-frame, and may recur throughout the production. This is especially so of *Tagged* because it is a longitudinal study that was shot over three years.

For example, apart from acquiring consent, the negotiation with participants for *Tagged* was part of a larger process of establishing and consolidating a collaborative and respectful relationship from which an ethical portrayal could emerge. It began during pre-production with a range of strategies to locate participants. It continued during production in discussions of content and later, in post-production, as we viewed rushes, assemblies and cuts. This provided an opportunity for the participants to participate in the film beyond simply playing the role of social actors. It also enabled them to contribute to the developing story during the shooting and in editing.

Ethical practices in production

The ethical practices adopted in the production of *Tagged* reflected my ethical stance for the film and addressed the seasoned topics of ethical debate, such as informed consent, privacy and payment. In effect, the ethical practices included the steps and strategies involved in setting up and organising the film, including the shooting and editing. The manner in which the relationship with the participants is nurtured from the outset determined the nature of the collaboration, which in turn helped to shape the ethical representation within the text. This meant that the ethical practices were

important in enabling the subjective, individualistic perspective of the participants to emerge. Therefore the strategies for locating the participants and securing their collaboration were crucial to achieving both an ethical practice and an ethical representation.

Locating participants

The process familiar to documentary filmmakers is that of selecting participants who best represent the story that the filmmaker or production team wants to tell. As outlined above, I wanted the depictions in *Tagged* to emerge as organically as possible from the participants and not be imposed by me, even unwittingly through a process of selection.

My principal strategy, then, was to invert the selection process by creating a situation where, as much as possible, the young people would decide for themselves, without inducement or encouragement from me, whether or not to participate. Within this there were supporting strategies that were also designed to address the potential issues of stereotyping, ensuring informed consent, privacy, and duty of care.

This ethical intention was well meaning but, in practice, it is impossible to locate participants without creating some sort of framework from which to start. For example, I made the decision to locate between four and six potential participants based on the length of the documentary. A one-hour film for free-to-air television is conventionally between fifty-two and fifty-six minutes. It would have been difficult to work with more than four participants and still develop a narrative that revealed them as individuals, which was an important ethical position. Reducing the documentary to one or even two individual narratives would have narrowed the focus to that of an in-depth profile or biography and increased the sense of the participants being representatives of young people in general in Bankstown.

I could also identify an age group without compromising the ethical stance. Sixteen is a watershed. Although young people are still legally minors until they reach the age of eighteen, adult authority is loosening its grip. At sixteen, schooling is no longer compulsory. Many have already been working in part-time jobs for some time but they can now become full-time employees (albeit at lower wages). Generally, they are experiencing a greater autonomy to move about the community and connect with each other in public spaces.

While they are still ‘youths’, they have a greater capacity to reflect on their lives, both past and future, to examine their social circumstances, to consider where and how they fit into a bigger picture, and to analyse and understand what is happening around

them. They can also draw conclusions and make projections about their lives. Consequently, as collaborators they have the potential to bring a greater degree of creativity and thought to a project about the transition from youth to adulthood than someone who is younger.

Of the four young people who collaborated on the documentary, Tony, Rhonda and Paul were either already sixteen or nearly sixteen when I first met them and at least sixteen when we started the research interviews. The exception was Sara who was just fifteen at the start of filming. Although she was younger, Sara was capable of self-reflection. She had thought a great deal about what she wanted to achieve and how she would go about achieving it. Along with the others, she demonstrated that she could think beyond herself and had a depth of understanding about the community in which she lived.

Because of my ethical concern about stereotypes, it was important to emphasise that I was not seeking 'good kids' or 'bad kids' or 'successful kids', or any particular 'types' of young people to participate. This also included 'types' that would demonstrate Bankstown's social diversity. However, despite my ethical intentions, it was not possible to guarantee an outcome that avoided all stereotypes. For example, Bankstown's diversity is evident in multiple social categories including age, ethnicity, language, religion, culture, family structure, education, income, employment and many more. Had I wanted to, it would have been impossible to create a valid representative sample. Nevertheless, the physical appearance of the four participants reveals some of their affiliations and, while I didn't use either appearance or affiliation as criteria for participation, they have an indexical effect on the audience interpretation. For example Sara's hijab identifies her Muslim religion. Despite my efforts to portray her individuality, I cannot guarantee that the audience will not in some way objectify her by taking what she says and does and attributing it more generally to Muslim girls, for instance, or to Arab girls or to Lebanese girls from Bankstown.

Tony's and Rhonda's Asian appearance and Paul's Islander appearance could be used by an audience to objectify their stories on the basis of their ethnicity. However, since all four young people are from Bankstown, the objectification might equally be on the basis of their age and growing up in that locality. From my part, the action I can take to support an ethical position is to ensure that the representation of the four participants in the film is an honest reflection of them in the context of our encounters.

Similarly, while the process of locating them was open and free from inducement, this does not mean they undertook the project without motive. At various times, they

suggested reasons for their being involved which ranged from altruistic ones of hoping the documentary would help other young people like them who might be experiencing difficulties, through wanting to use their involvement as work experience to doing it purely for the fun. In the end, my concern was simply that Tony, Sara, Rhonda and Paul and their friends made their choices autonomously.

The second strategy to locate the participants was to publicise the project as widely but as informally as possible. For example, written information was dispatched to youth organisations and disseminated through the formal youth network via the regular interagency meetings. Informal contact included personal visits to youth centres, meetings with youth project leaders and shooting research footage of the break-dancing classes at the PCYC and holiday activities at the youth drop-in facility. I sat in the park or at the train station after school using my casual encounters with young people in these public spaces to tell them about the project. The secondary advantage of disseminating information was that of identifying myself to those working with young people so that my presence did not raise concerns. I also informed the police-youth liaison officer, made a formal application to Council for permission to film on public spaces that it controlled, and lodged a voluntary 'working-with-children' check through one of the local youth agencies. In this way, I also addressed the ethical concern for duty of care by conforming to the procedures and protocols usually adopted in youth work where they were relevant to the production.

Although seeking assistance from local youth workers such as street-workers, youth arts workers, drop-in centre staff, and Council staff coordinating youth activities seemed a reasonable strategy at the beginning, it raised specific ethical dilemmas. For instance, they could provide general background information on young people in Bankstown, and even make referrals, but their need to maintain client confidentiality and to keep a professional distance from the project curtailed the assistance they could give me. They could verify my credentials and make a judgment about the value of the project for the young people with whom they worked. They could discuss it with the young people with whom they were in contact and, depending on the nature of their work, they could even suggest meetings to discuss the project, but it was important that they did not actively recruit participants on my behalf. Recruitment implies motivation, solicitation or persuasion and it was important, both for the ethical stance of the film and for their client confidentiality, to ensure independence.

Consent

The fourth strategy in locating participants was to provide adequate written information about the project so that participants and their legal guardians would be in a position to

give 'informed consent'. It also raised the question of who that information should address.

Generally young people aged sixteen years are used to a greater degree of autonomy than they had at fourteen and they are keen to make their own decisions. As previously argued, there were conflicting values in the need to respect their right to make decisions about their involvement and the obligation to seek parental permission because they were minors. However, seeking that permission was only possible if the young people decided they wanted to be involved in the documentary and were prepared to give me contact details so I could approach their parents. In this sense, the young people were the gatekeepers to the formal permission to proceed.

It was also necessary to ensure that the written material did not include anything that might inadvertently cultivate a performance from the young people, for example, descriptions of what the documentary might be about or suggestions of what topics the conversations might be about.

Consequently, the written information had to be straightforward enough for the young people to bother reading it and later, detailed enough to provide them and their guardians with the necessary information to give 'informed consent', yet not so detailed that it made performance suggestions. For example, the written information explained the intention behind making the film, the wish to work with the participants rather than make a film about them and some general ideas for themes. It also explained that while the documentary was intended for doctoral assessment, I hoped it would achieve a wider distribution, such as through television broadcast.

In addition, I prepared different types of consent forms. For those people with less involvement or those who it might prove difficult to locate at a later date, I had final consent forms. For the major participants, I was happy to have signed 'permission to participate' forms that ensured I could film with the participants and guaranteed that they would be able to view rushes and assemblies of the film as it progressed. The final consent forms were signed later, and as the major participants turned eighteen they were able to sign adult consent forms in their own right to replace the parental consent forms signed by them and their parents. The ethical reason behind this strategy was to build trust between the participants and myself. They were able to compare the ongoing work against my statement of intentions in the initial information and make a judgement about their validity.

Meeting participants

Many young people whom I met were keen to be interviewed but evasive about further involvement. Tony was receptive from the beginning. He introduced me to his parents who discussed the project and very quickly gave permission for him to participate. By contrast, I kept running into Paul and his friends at the park, at Homebass, the youth drop-in centre, and at the train station for over a year before he gave me the contact details for his parents.

One of the local youth workers referred me to Sara because she was keen to be involved in community issues. Even though she was only fifteen, Sara's desire to participate was anchored in a strong desire to fight the misconceptions that she noted in the media representations about young people from Bankstown and young Muslim women like her. Her mother supported her in this.

A youth arts worker introduced Rhonda to me and we subsequently met again in one of the shopping areas. When I met Rhonda's mother to explain the project, she asked Rhonda directly if she wanted to be involved. They then also discussed it at home with Rhonda's father before agreeing and signing the permission forms. The only restriction was from Rhonda's mother, who indicated to Rhonda, not to me, that her studies should not suffer. Before signing, Tony's mother also confirmed with him, in my presence, that he wanted to be involved. Paul's parents considered the written description of the project before meeting and questioning me at length about the stance of the documentary and the demands it would make on Paul's and his brother's time. They then took a few days to discuss the project with the boys before giving parental permission.

Establishing collaboration

Meeting the young people who were likely participants took me to a new stage of building the collaborative relationships necessary to create the ethical representation. Negotiating the participants' involvement and building a rapport with them are not new practices, but in the case of *Tagged*, they were important ethical practices partly because the participants were young people to whom I felt a duty of care. It was also because the ethical principles behind the visual representation relied on the participants exercising a certain degree of control.

With Paul, there was a tacit agreement not 'to hang about with the boys', except at those times when we had prearranged to meet. This meant that if I encountered them in the park outside the prearranged times, we acknowledged each other, but I did not join the group without a specific invitation. The procedures for these encounters were not discussed in negotiations with his parents who were possibly oblivious to this way

that the boys ‘do business’. Instead the protocol was communicated through experience. Once when I tried to join them, their body language showed reticence. Then they wandered off one or two at time, until I was left completely alone, and they had regrouped elsewhere. Later, as we became familiar with each other, they relaxed and became more comfortable about my joining them spontaneously but only for short periods.

At the start of each recording I reminded participants that they were not obliged to answer any question I might ask because my ethical stance was that they should control the content of our conversations. They should also determine when they might choose to reveal information or ideas. If they did not want to answer a question or deal with a subject, they could simply say so and we would move on. They could also let me know off-camera if there were any topics they didn't want to discuss. This not only protected their privacy and encouraged them to feel comfortable during the conversations; being able to refuse any subject without needing to offer excuses empowered their collaboration.

Apart from this formal negotiation prior to any filming, informal discussions continued throughout the production to ensure that the participants remained in control of their involvement and were comfortable with the degree of intimacy in the production relationship. For example the age difference between us (I am middle-aged and they were teenagers) allowed for a friendly and cooperative working arrangement but precluded a ‘best buddy’ relationship such as the one described by Tina Havelock-Stevens in her descriptions of making *Big All At Once* (Tudball 2004). They were also able to determine the radius of the filming, that is, whether the filming extended to family or remained with immediate and current friends, and to choose the locations such as staying in public areas of Bankstown or to extend the filming to homes or school.

Choice of locations

One area where the participants exercised significant authorship and control was in the choice of locations. By selecting the places in which we would meet and where they would be filmed, they could not only shape the nature of our contact but also influence the way they would appear. I always met Paul and the boys in public spaces such as the main park in the centre of Bankstown, Paul Keating Park. I sometimes met Tony at home and travelled with him to one of the public locations. Filming at his home took place initially in the garden and, only after nearly three years of shooting, did I film him studying at the dining table. I filmed Rhonda mostly in the old Town Plaza or the shopping areas or at her parents' shop. The footage of her packing for the trip to Korea

on the night before departure was shot in the living room at her friend's house. Even Sara, who was at home more often than the others, was filmed in the shared areas of the house and in the garden.

On the couple of occasions when one or other participant was reluctant to be filmed publicly, we had to find an alternative. For example, the last conversation with Paul was filmed at the entrance to a car park. The choice of location was circumstantial but as I edited the footage, it seemed as if the setting both framed and contained the scene reflecting the impending containment that Paul sensed in his life. In this way, the participants' choice of locations was a significant discursive element in the story that was important to the construction of their representation. Consequently, for that representation to be an ethical one, the indexical relationship to the setting must be truthful.

In these circumstances, where the participants' activities naturally located the film in public rather than private spaces, and where they were choosing the locations, it seemed inappropriate to suggest an artificial setting, without a very clear need for it.

Building rapport

Rapport is a difficult and complex film-making technique to discuss, since so much of the meaning attached to it is embedded in personal moral values or contextualised by the type of documentary that the filmmaker is constructing. Building rapport is a documentary film-making technique that encourages intimacy between filmmaker and subject. Its purpose can range from creating a warm impression of the subject for the audience, to encouraging the subject to share important or dramatic story information through to manipulating the subject to reveal personal and sensitive detail. It is further complicated by the possibility that the rapport creates such a sense of security that a subject might quite innocently compromise her/himself or others in the course of a production.

In making *Tagged*, I was aware that in building rapport with the participants, I might discover information that would cause a conflict between my value for truthfulness and honesty in the story and my duty of care for the young participants. In fact, this concern did not materialise but the rapport between us translated into a strong and trusting relationship. Building rapport enabled the flow of creative ideas and facilitated a sharing of thoughts about the content of the film and the activities that best embodied the important features of the participants' lives or expressed the personal characteristics that they wanted to reveal.

Ethics in discourse

Ethical questions that relate to the discourse and the visual representation are generally located in the use of the range of filmic techniques to create a persuasive argument. (In making *Tagged*, my argument was about the importance of the individual person and point of view within the collective representation. It was also about the importance of respecting the individual.) My ethical endeavour in creating the depiction of Tony, Sara, Rhonda and Paul as individuals was based in recreating our collaborative relationship within the space between the camera and them as it is represented in the two-dimensional frame of the film. To do this, I drew on the whole repertoire of shooting and editing techniques (MacDougall 1999; Nichols 1991, 2001; Renov, Ginsburg & Gaines 2004) such as framing camera movement, choice of camera angles, music, dialogue, real-time takes, subtitling, sound editing, and conversations, movement in the frame, adapting them to suit the ethical practice necessary for an ethical portrayal of the young people as they grow up in Bankstown.

The discursive structure

The structure of the narrative in *Tagged* is built around a number of interwoven elements. There is a chronological timeline through which we see the young people mature. Linked with this is the story that emerges through their activities, such as Paul and the boys recording their demo, Tony at the farm and Rhonda's performance. There is also the thematic structure, which takes us through the subjects that the young people felt were important to discuss, such as family, friends, intercultural relationships, stereotyping, and what to do with their lives. These are expressed through the conversations.

Conversation

As part of the ethical stance, the idea behind recording conversations was to focus on the individuality of the participants, by capturing their spontaneity, and to create a space in which the participants could reveal their own ideas and personalities. This concept of 'the conversation' is not new, especially in 'the new ethnography' (Lutekaus & Cool 1999, pp. 116-117). My ideas about conversation were informed by MacDougall's discussions about participatory cinema and the many types of authorship in a documentary film (MacDougall 1982, 1999, pp. 150-184). They were also informed by Buber's concept of 'real conversation', which demands complete spontaneity, direct speech and an unpredictable reply as well as that "it takes place between them in the most precise sense, as it were in a dimension which were accessible only to them both" (Renov, Ginsburg & Gaines 2004, p. 153). Renov argues that the conditions in which documentary records such interactions precludes them being conversations

according to Buber's definition. This is especially in relation to his descriptions that it cannot exist for others and it must occur in a "dimension which is accessible *only to them both*" (Renov, Ginsburg & Gaines 2004, p. 153).

It is important here to make clear my distinction between the 'conversation' and the 'interview', which I view as two distinct techniques for recording information. I see the 'interview' as a technique in which the content is shaped by the formal construction of the questions. The 'conversation', on the other hand is a more organic and responsive technique, which welcomes the participation of the subject in determining its direction and its content. In this way, the 'conversation is very different from the 'masked interview' (Nichols 1991), which is effectively the use of a recorded interview with the interviewer's questions removed, giving an impression of spontaneity.

Just as dialogic ethnographies used conversations as a way of representing distinct voices (Lutekaus & Cool 1999, p. 119), my use of conversations was to support the distinct characters or the individuality of the young participants. In keeping with the ethical stance of *Tagged*, any discursive element such as the use of conversations needed to emerge organically from the material as it was shot and not be imposed as a film-making device.

The early conversations, recorded as research data, were the means by which I came to know the participants. At the same time as I was making general observations of young people involved in various activities, I also conceived the story through their words. Consequently, the conversations occupied an important discursive element in my mind that I then used to build the narrative. I initially intended to use these conversations as informal explorations, helping to open up the narrative and create a space for the participants to contribute their ideas. However, once I knew that I would be shooting the film myself and I studied these early conversations in rushes rather than as research data, it became obvious that the exploratory conversations were revealing the personalities of the young people and the rapport between us in a direct way. In effect, they had some of the qualities that Buber (Renov, Ginsburg & Gaines 2004, p. 153) demands, especially spontaneity and the element of surprise. By continuing to record the conversations in the same way, I was able to capitalise on the relationship that was emerging through these conversations and use them to convey detail about the characters of the young people as well as important story information.

For example, Tony's manner of speaking in the early sequences reveals a keen, energetic, enthusiastic person, but through the film, his demeanour changes to become more introspective and concerned. This change is contextualised by the information that he gradually reveals about the difficulties of being caught between two cultures

and trying to reconcile them. In effect, his manner of speaking is supported by his words to create a powerful narrative.

Reflexivity

One of my strongest ethical dilemmas lay in deciding how I should represent myself in the text. Many ideas occurred to me during the development of the film but each new one seemed clumsier than the last. For example, I scripted a number of voice-over commentaries that explained what had taken me to Bankstown and why I was so interested in these young people. I considered how to contextualise these by constructing montages of images that seemed to fall short of the material I was capturing with the participants. Eventually I understood that the difficulty lay in the fact that I was attempting to create an external reflexivity (MacDougall 1999, pp. 88-89) and it was failing to live up to the richness and immediacy of my encounter with young people in Bankstown.

Finally, in viewing the rushes I settled on the reflexive moments captured spontaneously in the course of filming. These were the moments that not only acknowledged my presence in the story but they also truly reflected the relationship between the participants and me and the role that relationship played in creating the documentary representation. There was Tony turning to the camera and directing me to "*put down that camera and come here and have something to eat with us."* As Sara and her sister talk about friends I ask from behind the camera, "*Who's Rita?"* to which Sara replies, *"She's my best friend"* and she goes on to name her immediate circle of five best friends. Later, her mother starts the car engine and looks toward me in the front passenger seat as she reminds me to put on my seat belt. As I film Paul and his boys waiting to rehearse in the park, his friend, Retro, looks toward the camera and asks, *"Do you want to see the Blood handshake?"* and proceeds to demonstrate the secret handshake of the local gang with another of the boys.

Out of context, these reflexive moments read as simple comments but, as they are edited into the live action of each of those sequences, they remind the audience of the constructed nature of the film, and of my role as author, documenting the encounter between these participants and me.

The ethical reason for placing myself in the text was to be honest about my authorship of the film but without over-emphasising my appearance. With the degree to which I currently appear I achieve this goal and I maintain my role as mediator, nurturing the subjective stories of Tony, Rhonda, Sara and Paul. Making myself a more

obvious presence within the story would have risked my competing with them for the viewer's attention.

Creating individual representations

It is generally accepted that it is the ethical responsibility of the filmmaker to represent a truthful account of what really happened. Despite its being common knowledge that the recorded image and sound can be and is manipulated in order to construct the story and deliver it to audiences, it is important to the nature of documentary that the audience is able to believe that what is presented as factual, is indeed so.

Tagged is truthful in that it makes the individuality of the participants clear; that they are not representing the collective, even though it is possible to extrapolate from their stories. In shooting the documentary, this individual focus was achieved by working separately with the four participants so that their subjective representations were independent of each other. In constructing the stories I contrived to maintain this separation by editing in sequences devoted to each participant. However, the introduction and set-up of the film establish these four and their friends as some among many young people in the area, thus identifying them as individuals within a much larger collective. The intention here was to allude to a greater diversity of opinion and life experiences than could be presented in one film.

For instance Tony's comments about growing up between two cultures can be interpreted as Tony speaking on behalf of other young people from Vietnamese families in similar circumstances. This created a dilemma because of the way it could be interpreted as Tony speaking for the collective instead of expressing his individual point of view. I considered various ways of incorporating this information into the filmic text that would be clearly from his point of view. What I knew from experience was that young people like Tony, from Vietnamese families, speak in the third person if what they are saying might be critical of their families because direct criticism is considered to be disrespectful. The issue resolved itself in our very last shoot when Tony revealed, *"There's conflict between my family and me… I know they love me but we can't live together at the moment."* Although he spoke only a few sentences about this, it was sufficient to reveal that the information revealed previously was about himself and not delivered in reference to a general group.

Paul also speaks more generally in describing that *"… we're raised with discipline in the Fa Samoa way, respecting their parents and elders"*. Although this also could be interpreted as representative of the collective, we already know that he spends almost all his time with his boys and that they move as a group. I did not find this a problem

because I saw Paul's involvement with his boys as an extension of his individual self, not as part of the collective in a stereotypical way. Paul's comment is an assertion of his view of the world, not a stereotypical response to be used to portray all Islanders.

The idea of the moral value inherent in respecting the individual emerged spontaneously from them and was especially strong from Paul. However, it struck an immediate, sympathetic chord with me. The four young people, Paul, Sara, Tony and Rhonda, all articulate their belief in the Individual's right to freedom of expression and they also demonstrate it in the actuality footage. For example, Sara describes the importance of speaking your mind. Paul describes how anyone can see the boys on the street, look at their dress and judge them as criminals but *"you've got to walk in my shoes, live the life that we live, and then you'll know."* This is reinforced in most of the footage shot with them, such as the observational footage of Paul and the boys hanging around the park. Their wait eventually materialises into a rehearsal of one of their songs. The lyrics of the song are another example of this articulation of freedom of expression.

Movement

One way in which this concept of 'freedom of expression' is conveyed in the actuality footage is through the movement of the young people in the frame and in the public spaces they occupy. Their energy was one of the first elements that I noted about all the young people I met in Bankstown and it became a motif for the story. They were brimming with energy. They spoke at a fast pace. They jumped and ran and strode through the public spaces. They danced and they filled the space around them with gestures. Both girls and boys were wide and loud and expansive but where the boys expressed a lot of this energy in rough sport, the girls sought out dancing and singing (Ram 2001/2002). It represented their outlook on life. It was a boundless energy, vital and seemed to demonstrate a desire to own the world, starting with the local public spaces.

As a result there was a strong indexical link between, for instance the personalities of Rhonda and Paul and the images of Rhonda's dance group and of Dirty South West performing on stage. Rhonda and her girlfriends are neat and rehearsed and fill the screen with expansive, repetitive but graceful dance movements. Paul and his 'crew' give a vigorous, heartfelt and uncoordinated performance, occupying the whole stage, flinging arms wide and bumping into one another.

Framing this sort of energetic performance reminded me of Dennis O'Rourke's discussion about movement in the frame (Ansara 2001, p. 30) where he describes the intuitive process of responding to the people in the frame and their activities. Filming

actuality with the young people in *Tagged* was like a dance with the camera. When Paul is recording the demo at the youth café with the boys, they are constantly moving from seat to seat, in and out of the frame, in and out of the room, slapping hands and backs, taking off and putting on jackets, with a restless energy. Yet even when the music is not being played, a rhythm develops and builds just from this movement. I came to enjoy this filming because it would feel so effortless. I rarely framed wide. Mostly I chose a medium to a medium close-up and aimed for smooth camera movement that would allow me to keep the main action, especially of Paul, in the frame. Because the boys moved so much, they repositioned the configuration in the frame for me, rather my needing to seek out many alternative shots. In this way, I followed the action.

The final edit may not repeat the pace of the original scene but, in editing, the pace of the original scene emerges through the rhythm of the speech, the songs of the young people, and this energy they display. Mostly, I cut using the camera movements and the movement in the frame, preferring these to short montage cuts.

Recording the events

In keeping with my ethical stance, I did not 'direct' the action while filming the activities, such as Rhonda wandering through the shops with her friends, Paul and the boys recording their demo, the trivia quiz at the youth café. My preference was to shoot observationally in order to capture the story that was being revealed to me spontaneously through the process of making the film. Focussing on the activity unfolding in front of the camera, I was frequently caught up in that moment of filming to such a degree that I found myself working almost intuitively. Of course, there were instances when the scene resonated with meaning because of the information delivered in a prior conversation. In general, however, I knew the participants well enough to follow the action but was still able to discover new information or have realisations in the course of filming.

I thought that being a sole operator during the shoot might interfere with the collaboration with participants by distracting my attention as I focused on the technical aspects of recording. However, there was an unexpected benefit that supported the visual representation of our relationship.

Normally I worked either individually with the young person or with them and a small group of their family or friends, so that the interaction between the participant and me was a direct one. As the relationship between us emerged slowly in the assemblies, it was evident mostly as a connection through the camera. For example, in the conversations, the participants would look directly toward the lens, giving the

impression that they are also talking directly to the audience. On the rare occasion when another person was present at the shoot, for example, a sound recordist, the participants were distracted and split their attention between the new person and me. Hence I came to appreciate being a sole operator for the dynamic it fostered between the individual young people and me, and the way this supported the ethical position I was trying to achieve. Likewise, being the sole operator led to some of those small moments which occurred naturally during the filming but which I incorporated for their reflexivity.

Selection of content

In creating a truthful representation of the young people, it was important to work only with the activities and events that they chose independently of the production. I made a conscious decision not to create any filming situations and to avoid encouraging the young people to accommodate the production by setting up events or activities, relying instead on what occurred naturally. For example, since I observed in research that there was a lot of community development activity with young people in the area, I was interested to show this aspect of the participants' lives but only if it revealed itself through naturally occurring events. There was no intention to create a discourse around this topic, and any involvement of the participants in formal community activities was coincidental.

Rhonda had only a peripheral involvement in such activities through her performances at youth network events, such as talent quests, until she heard about the cultural exchange trip between Bankstown and Korea. Her involvement in this formal program was a surprise but it came about naturally because of her genuine interest in learning about other countries and cultures. It proved to be a significant event in the film that revealed Rhonda's personality with honesty.

Paul was not involved in any formal community activities such as Council committees or organising youth events. At most, he was an end-user of the drop-in centre where he and his boys received practical support from one of the youth workers in setting up their rap crew. In the course of the film, as Paul emerges as a leader amongst his boys, it becomes more evident that they are his community and his active involvement with their welfare and activities takes place on a daily basis. Like the change with Rhonda, I could not have predicted this at the beginning of the project, but it emerged as a natural occurrence during the filming, and so adds to the truthful portrayal.

Concepts of performance

As outlined earlier, I had agreed that participants would be able to view rushes and assemblies during the production for a number of ethical reasons related to informed consent, control and collaboration. However, it also evoked another ethical dilemma of coaching performance.

There is an enormous value in making the filmed material available to participants throughout the production process. It provides an opportunity for the filmmaker to confer with the participants about the validity of the story and correct any misinterpretations that may have occurred. Since participants may be unfamiliar with the filming process, it gives them the opportunity to see the outcome of the shoot and realise how the real-life event that has been the subject of filming is transformed in the course of its adaptation to a filmic event. Since they have viewed rushes, it can then be argued that they continue to participate on the basis of increased understanding, which includes a greater discernment of the ramifications of their involvement.

However, along with the young people's exposure to the process comes a greater awareness of their participation as a performance and one that can be adjusted. In acknowledging the possibility that they may curtail or cultivate this performance as a result of viewing rushes, I took into account that these young people seemed to be very conscious already of the concept as demonstrated in the public performance that they cultivated, for example, through the adoption of costume, make-up, mannerisms and attitude.

The participants saw the film at varying stages and each individual chose to collaborate to a different degree. Surprisingly, for the number of visits she made to the edit room to watch various cuts, Rhonda later disclosed (2005) that she was not as involved as she would have liked in the decision-making about content and scenes to be included. However, when we discussed this further, she said her desire for more involvement was based more on curiosity about the process rather than concern for authorship.

Ethical depictions

One situation that arose in filming with Paul and the boys illustrates how dealing with ethical issues in documentary production requires the unravelling of intertwined threads of values and judgements.

I was preparing to film with Paul and his boys in a public space when they appeared with bottles in brown-paper wrappers, looking suspiciously like alcohol. The actual contents were irrelevant. The issue was that in the scene, it appeared as if these boys were under eighteen and hanging about in a public space, drinking alcohol. In this way,

they were supporting the negative stereotype that involved Bankstown boys, youth gangs and public misbehaviour. I was immediately aware that this event could challenge my desire to behave ethically in relation to both the boys and the story. I didn't want to film something that appeared to support a preconception based on media stereotypes. I also didn't want to avoid filming something that was truthful and happening as a legitimate part of the boys' lives, because it created a portrayal with which I was uncomfortable.

My first response was one of ‘duty of care’, to warn the boys that the bottles were in shot. It was impossible to frame the scene without including the bottles, and ignoring the 'alcohol', would have only raised further questions about the honesty of the depiction instead of resolving the issue. Prior to this event, the boys had seemed mildly interested in the shooting process, checking out the shot, filming some sequences and speaking directly to the audience down the barrel of the lens. On this occasion, they looked through the camera at the scene with the 'alcohol' and seemed satisfied with what was being portrayed. I did not want to interrupt the flow of the scene and so I decided to put aside the role of mediator, continue filming and review the material later.

I then discovered that the interaction of the boys with the camera was an intriguing mix of actuality and play-acting, as if they were creating a performance and having enormous fun in doing so. I focused on recording the scene by following the action as it happened, tapping into the rhythm and pace that the boys were establishing through their movement and dialogue in front of the camera. In the sections of the sequence that are cut into the film, Mega introduces the ‘homeys’ to the audience and makes direct reference to the audience located through the camera lens, "*Fuck, show your face to the motherfuckers, man. They come here to see us, man."* He also makes direct reference to the media, *"We don't care what the media thinks,"* and he invites the audience to *"come and take a journey with the Dirty South West – come see how we do it in our world."*

This interpretation was confirmed a couple of weeks later when I showed the rushes to an extended group of boys whom Paul had invited, some of whom had been present at the filming. Their response confirmed that the on-camera performance was a joke that held a great deal of 'truthfulness' for the story and the boys and it is this 'truthfulness' that is represented on the screen. The 'truthfulness' is in the characters of the boys, especially Mega, in how they mix the US-style ‘homey’ dialogue and rap with their natural Islander/Australian expressions. It is also in their jovial, cheeky natures that are having so much fun with the stereotype by sending it up. It is also in the comments – almost asides – "*we don't care about the media, man. The media can …* "

In this way, they took control of the filming and used the opportunity to subvert the stereotype. Later, Paul revealed that at times the boys would see shots of themselves, recorded from the other side of the park without their permission, used as overlay for television news and current affairs stories about criminal and other negative events with which the boys had no connection. Consequently the documented representation is both honest and a strong individual expression of their circumstances, their subjective interpretation of their place in the world and their understanding of and engagement with social issues such as stereotypical media portrayals of 'gangs' of youths in public spaces.

In editing the material, I sought to cut it so that the boys' humour and their satirical ideas emerged but without labouring the socio-political argument behind the portrayal. This footage of the boys reviewing the material was not incorporated into the final documentary because the event that was filmed had been engineered by me and, consequently, was out of keeping with the ethical stance to use events and activities that occurred spontaneously in the participants' lives. It might have been possible to use it as a discursive unfolding of our collaboration on the film but this would have altered its focus, emphasising my involvement more than was right, or ethical, for a film intended to focus on the subjective and individual stories of the four participants.

The direct addressing of the audience through the camera is cut into the first section of the film at different points to identify Bankstown as the location of the film, to introduce the 'homeys', to invite the audience to join the journey of the story. The style of shooting, such as the slightly stylised framing of the group in the shot and the camera movement that follows the continual physical movement of the boys, enhance the performative nature of the activity. They also help to capture the role that the boys created for themselves as the observers, imitators and social commentators of life in Bankstown. Even when viewing the fine cut of the documentary, the boys still enjoyed seeing the material from this scene and its editing into various places through the documentary in ways that the audience can also appreciate the humour and the play acting.

Content

Rhonda and Paul both expressed an interest in dance and music, however, my observation over time was that their interests lay not so much in the composition and performance of music as in the popular culture roles of popstar and rapper that they had gleaned from the media, especially music videos and popular magazines. In the rushes they could observe their performances, but, apart from being amused by their exploits and perhaps expressing a little vanity about their appearance, they did not

seem to use this knowledge to hone their performance. If anything, as the filming progressed, Paul became more straightforward and sincere in expressing his ideas and attitudes. This, however, could have been his maturing rather than the effect of watching his earlier appearances.

Tony was more interested in seeing early assemblies and cuts of the film than in watching rushes. His initial concern was about whether he appeared sincere. His sense of performance was expressed as personal style and reflected in such things as constantly changing hair colours and making quirky, amusing comments. The times when he play-acted for the camera were easily discernible. They also occurred prior to viewing footage and continued after, which I considered evidence that the viewings were not affecting his performance.

Interestingly, the visible evidence of his skin condition was an issue that I thought would concern Tony. Through the course of the filming, he discussed the condition frequently with me in private but did not want to refer to it in any filmed conversations. Yet as the filming progressed and the marks on his face became increasingly obvious, especially on-screen, he showed no desire to withdraw from the project. At the same time, in our conversations, he began to allude to the issue of stress and the difficulties of growing up caught between two languages and cultures. I checked frequently with him through the editing process, screening different cuts so that he was aware of the way the contextualisation was developing in the narrative as well as how his skin condition was becoming more evident. Each time he accepted it without concern. By the final shoot, Tony refers openly to the significant and very personal problems in his life, even though he does not expand on them. As with Paul, I believe that the changes I observed in Tony during the production are attributable more to his maturing than to his cultivating a performance as a result of viewing material.

Sara seemed equally disinterested in performing in front of the camera and in viewing the film at difference stages. Initially she showed some interest in operating the camera, but only briefly. Her portrayal was consistent throughout the filming in that she was always very direct and matter-of-fact, even when being self-reflective. Her response to viewing rushes and edits was detached. She seemed to take little interest in how she appeared, reacting with joy at seeing members of the family, pets or other people whom she knew who appeared, for example, in montages.

My concern during editing was to find ways to incorporate both my subjective stance and that of the young participants. An important factor in achieving this was maintaining a relationship with the participants that allowed them to be involved in the editing to the

degree to which they wanted. This varied within the group. Rhonda and Tony frequently visited the editing room with friends in tow. Paul viewed copies of all the rushes with the boys and visited the editing room a couple of times, helping me to understanding dialogue for subtitling. Sara and I maintained contact by phone and, since I started filming with her later than with the others, the latter stages of shooting with her coincided with editing. Consequently, we had plenty of opportunity either by phone or in person to check and query information in the rushes. At key moments, Sara and her mother, as with all the participants, were able to view assemblies and cuts of the film, and comment on the progress, creating a forum for them to correct any misunderstandings that might have been made during the edit as well as to provide feedback to sharpen and enrich the narrative.

Viewing the rushes and early assemblies with participants was in line with the ethical position of collaboration and had been agreed during negotiations with the participants. It also enabled me to check the accuracy of my interpretation against the self-knowledge of the participants. For instance, by reviewing the early assembly of the demo recording session, I could check the lyrics with Paul and consequently gained a much greater insight into Paul's discussion about the music and also the reasons behind some of Paul's choices.

Such viewing with participants can also be challenging, which is perhaps why many filmmakers avoid it. Discovering a misinterpretation can mean major reworking of material. It can also have a negative effect on the relationship between filmmaker and participants and, as I discussed earlier in this chapter, it can influence the ‘performance’ of the participants, who are the social actors in the film. However, with *Tagged*, creating and reworking assemblies allowed me to see different ways of constructing the story and gave me new ideas to take back to the shoots.

In order to protect the privacy of individuals, I established a set of protocols about viewing. With rushes, early assemblies and first edits, the participants only saw their own material. Later, as the structure became more interwoven, they saw whole cuts. Although the four major participants were not friends, over the three years of filming, they had become aware of each other, but in a distant fashion. Seeing each other on the screen, they were suddenly confronted with another young person who shared this experience of being in the documentary. They seemed engrossed with the stories of the others and, from subsequent questioning, I learnt that, although they had grown up in similar general circumstances, in most areas, they had no experience of each other’s lives. In other words, they identified their immediate friends as individuals, who were mostly of the same or similar backgrounds, but beyond them young people morphed

into a collective. They became the mass of ‘others’ rather than unique individuals. They could only be retrieved from that amorphous mass by individual encounter. In effect, although they were part of making the documentary, at this stage of viewing, the participants became each other's audiences, and were engrossed by the experience of watching individual encounters with the other individuals.

Ultimately, viewing the rushes gave us another platform on which to create a relationship founded on trust, as they could compare what they were seeing and realise that it matched with what I had told them was my intention. Along with that trust, there was the conviviality of viewing and discussing the filmed material that helped us to strengthen the collaborative relationship.

The meaning of collaboration

Despite my belief that an ethical encounter with the participants would be best represented by means of a collaborative relationship, there were limits to the degree of collaboration that was possible with the young participants. As young people, with their own agendas in life, their agreement to participate was not a total commitment to the project. It was important also to respect that they had family, school and other pursuits that outweighed their interest in *Tagged*. While I was sincere in wanting them to have the opportunity to participate at different stages, I was also realistic enough to expect that they would determine for themselves the extent to which that happened. In the end, the project was my responsibility, so the bulk of the work, including the bulk of the creative decision-making, was mine. However, I considered that this fell within the ethical stance established at the outset, which was that the participants should be involved to the degree that they chose.

The idea of collaboration was a broader one than simply quantifying the degree of participation. In *Tagged*, the collaborative dynamic describes the level of trust that grew from the initial stages of the production as I adopted ethical practices to locate and get to know the participants. The recorded material that the participants could see gathered in rushes and early assemblies was consistent with the information I had given them. In this way, by experiencing small examples of ethical behaviour, they developed a greater sense of trust in the documentary and in me.

It was rewarding to receive this trust, especially when I consider the level of distrust the young people felt at the outset. The trust manifested itself in many small acts of collaboration such as sharing information, from Sara's self-descriptions to Paul's insightful comments about being looked down on and Tony's painful recounting of being unable to communicate with his parents. It is strongly evident in the scene with

Paul and the boys where their level of trust had grown to a degree that they could create this performance with the belief that it would be edited and presented in context.

The growth in collaboration is evident in the increasingly personal detail that emerges through the chronology of *Tagged*. It was also reflected in the direct engagement that we shared, through the camera. The relationship between us, as previously observed, was friendly but not friendship, partly because of the age difference but mostly because it was a professional relationship and its purpose was to document the historical event of the encounter between the participants and me. As a professional relationship, the collaboration goes further to combine our knowledge and skills to develop a representation about their experience of growing up in Bankstown and an argument about the value of individual experience and our shared value for the individual person.

Dialogue and subtitling

Whereas the soundscape in some films is designed to carry a strong storytelling function, my focus on the soundtrack of *Tagged* came from my broader ethical preoccupations in working with the participants. As a consequence, I came to explore the role of dialogue and subtitling within this film as a function of the ethical relationship between the participants and myself and of the ethical representation of them in the documentary.

Dialogue and representation

In *Tagged*, the direct speech of the participants is a central component of the storytelling. Because the film is about four young people and their friends, direct speech is a valuable tool to convey information about their thoughts, feelings and ideas with immediacy. Although the filmmaker plays a mediating role, the film was intended to represent with authenticity what MacDougall refers to as ‘the intellectual life’ of the subjects (1999, p. 165). Direct speech, in all its manifestations within the film, such as to-camera conversations, voice-over narration and incidental dialogue, allows the participants to speak for themselves.

Much has been written about the manipulation and mediation that occurs during the construction of a film, in particular from the intervention of the filmmaker (Gaines & Renov 1999; MacDougall 1999; Nichols 1991, 2001; Renov 1993; Renov, Ginsburg & Gaines 2004). I was aware of the potential for direct speech to be altered through the processes of selection in the recording, editing and rearrangement that are a legitimate part of documentary storytelling. Nevertheless, I was aware that the conscientious use of these processes can produce genuine and reliable information in the narrative. To achieve this, I needed to be meticulous in meeting my ethical responsibilities,

consistent with the ethical position I had established for the film. This included, in particular, attention to truthfulness and accuracy and to any film-making element that affects the representation of the participants.

My goal in using direct speech was to capture not just the words of the young people and the information contained in those words but also the ways in which they were using those words and so reveal the personalities that were mirrored in their choice of words and in their ways of constructing sentences, as well as in the pauses, repetitions and other idiosyncrasies of their speech. A vocal imprint is as unique as a fingerprint and in the sorts of conversations and discussions that occur in real life these verbal clues greatly assist our understanding. For example, indicators such as the choice of inflections, the points of emphasis, the degree of stress, the pitch and tone of a voice or the choice of words, may show us that individuals are logical or idealistic thinkers or that they are reasoned, moderate or passionate people. They may also indicate how individuals conceptualise the world and whether they respond to it with humour or despair, self-consciousness or panache. In the context of *Tagged*, these indicators are important in opening up that channel of communication between the young participants in the film and the audience whom I hoped would learn about and understand these young people as I had.

Verbal expression in the form of dialogue can also give us clues about how people relate to each other. The voice reveals the degree of formality in a relationship, whether two people are friendly or distant, whether they share understandings about the world and whether they like each other. In addition, the content of a person's casual observations can reveal their daily preoccupations, the 'stuff' of their daily lives. Whether this detail is necessary to the narrative of the film depends on the locus of the story, but it is the sort of material that documentarians rely on, indeed relish, to provide natural insights into the characters of the people in the film.

The use of direct speech was important in *Tagged* because of the personal, character-driven way it highlighted the individuality of each of the major participants. For example, Paul mumbles when he is shy or uncomfortable. His voice becomes clearer and more deliberate as his confidence grows but he mumbles again when it seems as if he is in unfamiliar territory or when the discussion addresses topics that, to him, are private. He creates emphasis by repetition and he also uses repetition and reiteration, echoing an expressed intention, to ensure that his meaning to clear. "*What we're trying to do here is … Not saying … But … We're not trying to copy anyone's style. We're trying to make our own style. We're doing it for all the Nesians out there …*

I tell the boys, you can do it but you got to practise your harmony man. You gotta practise your harmony".

Rhonda's really fast manner of speaking reflects her enthusiastic, happy and often excitable nature. When she slips into thoughtfulness from time to time, it doesn't last. She is impatient and wants to move on quickly to something more fun, saying *"Yeah, whatever"* to bring a discussion to an abrupt close. Tony also uses an excited tone of voice and repeats himself as if for dramatic emphasis, especially in the earlier discussions. "*I went down to Homebass. I used to go down every afternoon. I went down there and when I walked in, I was the only Asian. The only Asian."* When he tries to skim over the serious issues in his life by making light-hearted comments, it is the tone of his voice that belies the joke and alerts us to the darker side of Tony's story.

The individual personalities of the participants are also coloured by significant cultural influences in their lives. For instance, at the beginning of the film, the most obvious visual clues from Paul and the boys, apart from their recognisably Polynesian features, are the homeboy style clothes, the caps and the gangsta-style gestures copied from the video clips of the West Coast rappers that they want to emulate. When I first encountered these boys, this display of US-style street culture was their strongest cultural marker and it included identifying verbal expressions such as referring to their friends and their group as *'man', 'ma homeys', 'ma crew'* and mimicking the West LA accent. However, I quickly realised that their adoption of this gangsta persona was not only a joke within their group but one that they were also keen to perform as a comedy routine for the camera. As soon as the camera was in record mode, they would perform directly to it, but if their attention was called away, they would easily slip out of the persona and into their authentic voices which were distinctly Australian, although sometimes laced with Islander inflections and rhythms. Even their swearing changed from the US-style *"motherfucker"* delivered for the 'performance' to the more Australian vernacular such as *"shit"* and "*bloody*", delivered conversationally in a broad Aussie accent with great sincerity and not a trace of emulation.

It was difficult to follow Paul's and the boys' conversations in real life until I became accustomed to the nature of their verbal expression. The elements that made comprehension difficult included the speed at which they spoke, their slurring and indistinct speech, their mimicking of gangsta-speak and their use of slang. However, once they had decided to let me film with them, they would answer my questions, repeat comments and explain their argot so that I could understand what they were talking about. Their Samoan family background is a major influence in their lives and the Samoan cultural influence revealed in a number of places in the film, such as in the

lyrics to the song, *Summerbreezin'*. Here the boys incorporate Samoan words like the expression, *'usos'*, which refers to mates, and *'Hamo'*, which means Samoan. Another popular term is *'Nesians'* as in *"to all my Nesians out there*", which is a familiar and colloquial term for Polynesians. I observed Paul and the boys using these words in the public sphere of the rap song as well as within the privacy of their group. They did not choose these words simply for effect but because they are part of their natural verbal expression that draws on their family-based linguistic tradition.

One interesting observation that I made was that these boys incorporate words or phrases of the parental language as a patois into their English verbal expression to a greater degree and in a different fashion from the other second- and third-generation Australians of non-English-speaking backgrounds whom I encountered. For instance, Tony and his siblings speak very clearly and their conversations do not carry traces of a Vietnamese accent even though Vietnamese is the predominant language at home. Tony speaks Vietnamese with his parents and other older family members, their friends and with local shopkeepers, but he speaks almost entirely in English with his own age group. Contrary to the style of Paul and the boys, Tony does not incorporate individual Vietnamese words or expressions into his English vocabulary and he is proud of his ability to speak good English. In *Tagged*, Tony speaks so often about the difficulty of growing up in an intercultural way, of being caught between two cultures and two languages that this theme is communicated directly in the narrative rather than emerging through his verbal expression.

The major cultural influence on Rhonda's verbal expression is her use of spoken Chinese, which is the language spoken within her family. In the film, it is most noticeable when her direct speech was recorded soon after she had been in a situation where she spoke Chinese almost exclusively. For example, each year Rhonda spends a few weeks in China on holiday with her family. After her return from these annual trips, she speaks much faster and with much more slurring, as if incorporating the tonal and other qualities of spoken Chinese into her English way of speaking. At these times, it can be very difficult to distinguish what she is saying or even to make out some of her words and I frequently have to ask her to repeat what she is saying or explain it in other ways. In making *Tagged*, I learnt to address this by scheduling the recording of major discussions with her at times when her contact with her friends and colleagues meant that their natural use of English influenced her to use speech patterns in ways that would be more easily discernible for an audience.

Sara often speaks spontaneously in Arabic when conversing with her mother or another member of her family but when speaking in English her speech patterns and

her vernacular are very Australian. For example, she speaks of *"chuck(ing) the engagement party"* and the groom having *"a dance with the bride"*. She frequently refers to herself and Hanna, her mother, as *"me and my Mum"* and she uses some distinctive speech patterns such as, *"… and I go …"* to mean *"… and I said …".* It appears that the cultural influence reflected in Sara's verbal expression is more that of the distinctive linguistic imprint of suburban Australian areas like Bankstown unlike Paul and the boys who use Samoan patois. Certainly, Sara's turn of phrase is colourful and engaging. Another quirky, 'Aussie' trait is her use of self-deprecating language, which suggests that while she can be very serious about what she wants to achieve in life, she doesn't take herself too seriously.

In addition, all of the participants incorporated into their direct speech expressions that are markers of contemporary youth culture. For example, Sara frequently uses the expression *"… really cool"* while Rhonda frequently says *"Yeah, whatever".* Tony says, *"hey man", "no way"* and *"hey dude"* and his conversation is often peppered with favourite one-liners from films. Paul's expressions such as *"hanging out"* and *"me and my boys"* are built around LA's 'west coast cool' style.

Ultimately, my concerns about achieving both clarity and respectful depictions of the participants were resolved, through a combination of subtitling and technical enhancement of the sound quality during sound editing.

Sound editing

The ethical consideration in planning sound post was to preserve the individuality of the young participants as it is reflected in their natural speaking voices, while making their speech as easy to understand as possible. The intention was to enhance the natural qualities in the sound to a point where a general audience would easily comprehend the direct and indirect speech of the participants, but to do this without altering the technical quality of the sound in isolation from the people and their story. The dilemma involved here was that too much alteration would remove the individual character from voice but too little would mean the audience would have difficulty understanding them. Many associates who viewed the first sets of rushes found it hard to understand the participants but this response was inconsistent. I thought carefully about what might be causing this reaction other than the technical quality of the original recording. For example, I was often recording the sound near busy roads and with limited time and resources to control the process. My associates were listening to raw sound complete with intrusive traffic and other ambient noise.

Other issues relating to comprehension also emerged, for example, the participants' accents and their choice of colloquialisms. Yet it seemed implausible that the accents of some of these young people would be so hard for a general Australian audience to understand when it accepts the mass of free-to-air television programs peppered with hard-core regional accents from The Bronx, the Chicago Projects, West LA, the deep south of Atlanta, the not-so-deep south of London, or the north of England, let alone thick Scottish and Irish brogues.

Searching the inconsistency of responses for clues, I noted that some viewers could understand Tony but not Paul while others were unperturbed by Paul's mumbling but they found Tony's speech too fast. I also noted that these judgements were being made from viewing rushes and early assemblies where there was less contextualisation to assist with comprehension. The process of editing is one of creating contexts that encourage and support meaning. This is much more extensive than simply providing visual clues such as subtitles. It is a process of positioning visual and audio material in such a way that it either promotes the meaning that the filmmaker believes is inherent in the original scenario or creates the meaning that the filmmaker intends for the scene.

One example of this is in the scene where Tony and Hemzi drive the utility truck over the rock. The individual sections of dialogue that make up Tony's voice-over commentary were recorded during the same conversation but not consecutively. However, they were edited together to allow the ideas to be delivered more succinctly in the narrative. The commentary refers to the relationship between a young person and a parent. Tony says, *"Kids don't want to be told how to do things. They think they know everything. But the truth is that kids don't know everything and your parents do."* For some time I kept Tony's words in mind, unsure about where to locate them within the story but certain of their importance to understanding Tony. In the latter stages of picture-editing, as I watched the cut, it suddenly occurred to me that there was a natural juxtaposition between the meaning in Tony's words and what was happening in the sequence of them struggling with the rock. Coincidentally, the two, that is the conversation and the activity with the rock, had been recorded at almost the same time and I knew from other conversations with Tony that part of his enjoyment of working at the farm was the chance to escape the tedium of following parental directions. The farm represented the freedom to learn through the age-old experience of making mistakes. This concept was expressed in Tony's words but inherent in the observational footage, and by linking the two I could create a stronger context for delivering this meaning to an audience.

Some of Tony's most relevant and moving commentary was revealed as a circuitous unravelling across the many conversations that we recorded over the three years of filming the documentary. This was partly because of his natural volubility and also partly due to his reticence to speak directly about some of the issues and difficulties in his life. As a result, in order to contextualise his story and to highlight his most poignant and relevant comments, it was necessary to cut together sections of dialogue from conversations recorded at different times in the extended period of production. Given that the documentary was made during Tony's teenage years, his voice changed significantly between recordings and this was exacerbated by other variations in the sound quality of the different locations.

In circumstances where such variations in the soundtrack are so obvious that they interfere with narrative flow, it is possible to minimise the negative effects through the use of audio editing technology. However, in screenings of *Tagged* and, previously, with other films, I have noted also that, where the audience is engrossed in the flow of the story, it is able to ascertain meaning and forgive many inconsistencies, such as the variability in recordings of direct speech. Maintaining the rhythm of the dialogue by preserving such integral elements of direct speech as sentence constructions, pauses and hesitations is often more conducive to enhancing comprehension than manipulating the voice itself. It can also be considered more ethical because of the integrity in retaining the original material rather than reconstructing or altering the voice to reduce intrusions or distractions.

Since these naturally occurring features are used to add meaning to direct speech, retaining them helps to preserve the individual’s character in the voice. Character is not just expressed in tone and pace, but also in those elements of speech that convey emotion or sentiment or sensation. The refinement of montage editing techniques, for example in program-making for television where all extraneous or potentially distracting material is usually trimmed away, strips the voice of these idiosyncratic expressions to a degree that results in a uniformity of verbal expression. In the documentary form, with its appreciation for detail, especially idiosyncratic detail in the construction of a narrative, it is possible to conserve and use these elements, especially for the information they provide about the individual who is their source.

The editing and post-production work on the film’s soundtrack is intended to enhance the comprehension of the story, particularly for an audience that is encountering the documentary participants for the first time. Decisions about the form and the extent of any alterations to their dialogue must be made in response to the

degree to which the soundtrack needs adjustment in order to deliver or enhance their verbal communication. This improvement covers a range of work such as removing or reducing the effect of intrusive noises, especially those at frequencies that interfere with the voices. It also refers to improving the audio quality in the reproduction of those voices in the sound track by adjusting frequencies, for example, removing harshness in high frequencies or removing the rumbling in low frequencies from noise such as wind. Where noises such as plosives or sibilance would not be noticeable in ordinary speech, they can be exaggerated or compensated for in the process of recording and also during post-production. Compensation would make plosion or sibilance less distracting, but this alteration of the voice does not constitute altering its character. Where noises are synchronous to the vision, for example, a radio mike bump that we see as well as hear, they would probably not be removed from the sound track but an adjustment might be made to ensure that it did not mask essential dialogue.

Much of the work in audio post-production for *Tagged* was in smoothing out transitions from one voice grab to another. For example, voice grabs were equalised to ensure that the sound quality of the dialogue is consistent and the movement from one to another is seamless. Here the intention was to allow the audience to concentrate on what is being said rather than being distracted by unnecessary information about how it was recorded.

Along with this concern for the sound quality was an equal consideration for the degree to which the verbal expression and visual storytelling could be enhanced through the addition of music, atmospheres and sound effects. Music already played a significant role in the film through the synchronous recording of Rhonda's dance group performing their routines to the mix of techno, house and girlie pop music and also Dirty South West as they made their demos at the youth centre. This included Dirty South West's original lyrics, which related important detail about the way the boys viewed their world and the position of young Islander people like themselves. In a sense the lyrics of these songs were like direct speech, delivering information that was significant to the narrative and, for that reason, it was important to ensure that an audience would understand the meaning in the lyrics. This concern raised the significant issue of the degree to which I should facilitate the audience's ability to understand direct speech by supporting it with subtitles.

Subtitles

Whether or not to subtitle appears to be a practical issue but it was necessary to be conscious of the judgements implicit in my decision and the bearing this would have on

their filmic representation. Ethical issues can arise from the representations that flow from both the fact that subtitles are used and the ways in which they appear on screen.

In his essay, *Subtitling Ethnographic Films*, David MacDougall (1999, pp. 165-177) observes that the use of subtitles in ethnographic films in the 1970s "propelled (them) into a new phase. Audiences no longer listened to spoken information *about* people in these films but began to watch and listen to them more directly" (MacDougall 1999). This formation of a direct connection between the subjects of the films and the audiences

> *… suggested they had an equal right to be heard. It paid attention to their intellectual life – indeed, often acknowledged for the first time that they had an intellectual life – and provided a new pathway to their thoughts and feelings …* (MacDougall 1999, p. 165).

The ethical issue regarding the use of subtitles in *Tagged* was about using them to ensure that the audience could understand what the participants were saying, yet understanding that in this context it might seem disrespectful to subtitle when they are speaking the same primary language as the audience.

Where subtitles were once used to increase distribution of films by making them understandable to audiences that didn't speak the language, in contemporary Australia, television audiences are very familiar not only with subtitling but reading all forms of text on screen. Nevertheless, often subtitles that are placed over English language dialogue to ensure the audience can understand in actual fact become distracting and even irritating to the viewer who makes the small amount of effort to listen carefully.

The reason that the question of subtitling was worth consideration as an ethical issue was because of the conflict between its effect on the visual representation of the participants who would be subtitled and the alternative of possibly interfering with the connection between the audience and the participants.

Ultimately the issue was resolved by a combination of enhancing the voices in sound post to make them as audible as possible and by subtitling only the sections of speech where the audience really needed support to understand the speech. Apart from a couple of pieces of unclear dialogue, this limited the subtitling to the song performed by Dirty South West which contains a few Samoan words. Because a general audience would be unlikely to know these and recognise them in the performance, by subtitling, the audience is aware of these words and can either guess at the meaning or simply accepts the written word without questioning the meaning.

Post-completion

The ethical outcome of *Tagged* is not only in the completed film, but in the encounter between the participants and me, which is ongoing. Just as the interaction does not suddenly finish with the completion of editing but continues post-completion, similarly the ethical practice does not stop just because the film is finished.

The ethnographic model is for the researcher to have a strategy to withdraw from when the research is completed. This is recognition that all such cultural research is based on human relationships, that it is, research with people, and in engaging in that research, the ethnographer must have a strategy to terminate the contact when the research work is complete. While it is important to have such a strategy to minimise the harm that could be caused by suddenly withdrawing from the close contact of filming, the reality with the documentary is that it is an ongoing process. In line with the ethical stance, contact should continue during the post-completion events such as screenings, when the participants may need further support. In this way, the relationship is a continual, if limited process.

Conclusions

My intention in addressing the ethics of making *Tagged* was to create an ethical engagement with the participants in the process of production, a collaborative relationship or interaction, which would lead to an ethical portrayal of them in the documentary. The process of analysing that practice, highlighted the complicated and interwoven nature of ethics.

I met my objectives to create collaborative relationships with the participants. The interactions between us were instrumental in allowing me to see and understand many aspects of the participants' lives and to determine the significant parts to use in telling their stories. By getting to know them so well it was possible to overcome the preconceptions in the media stereotypes, because once I was familiar with them as individuals, my focus remained with them.

I am also satisfied that I created an ethical representation that does not resort to stereotypes, that is truthful in both its detail and in acknowledging the subjectivity and authorship on which it is created. It is also a record of the encounter between us. Further, I conclude that by creating the space for a collaborative relationship I could achieve a visual representation with the young people that fitted my value for them as individuals and countered the stereotypical representation.

From their position, the four participants have indicated their satisfaction with the process and the outcome of the film. Yet it is always possible that, in the future,

negative suggestions from others may colour their perceptions and in hindsight they may have some regrets, but from my reading of the completed film and my understanding of them during its making, I consider this unlikely.

Apart from the collaborative interaction, other significant elements that enabled the ethical process were the longitudinal nature of the study and the link with an educational institution, which encouraged ethical practice in research. With a different context, my focus would have been less on the ethics of the encounter between the participants and me, and I would have produced a different film.

The length of the study allowed time for me to come to know the participants and to gather information to substantiate and contextualise what I was hearing and seeing. I was able to acquire new knowledge and check the truthfulness of the stories and incorporate any adjustments that needed to be made. In addition, as the film progressed, I became less concerned about absolute truth and more concerned about relative truth. The truthfulness of this story lies in the subjective portrayal of these four young people and my encounter with them, not in any attempt to create an objective and absolutely truthful portrayal of young people or events in Bankstown.

The longitudinal study also resolved my concerns about duty of care because it allowed time for the participants to reflect on the process they were involved in, to raise concerns they might have had and to change any part of the process that they might have been unhappy with. The teenagers of the beginning of the film were almost all adults at the end and, through the experience of being involved in the different production stages, they were familiar with the process of restructuring and reworking the story elements to create the discourse and representation.

Because the institutional focus of the university favours ethical research practices, there was an additional incentive to ensure that my practices complied. Had I been producing the documentary in different circumstances, such as with a broadcaster with a different focus such as the budget or the intended timeslot, the imperatives and the ethical position would have been much less conducive to this sort of production. That does not necessarily mean they would have been unethical but the ethical stance and the ideological position would have been different. I could not have made this film under circumstances in which the essential ingredients of time, patience and genuine social inquiry were missing.

The age of the participants and the location of the story were two other significant factors in my concentration on ethics, I was conscious from the start that any failure in my ethical process would have repercussions for the film and beyond. The previous

experience of young people with media stereotypes and the youthfulness of the participants, which highlighted my duty of care, both reinforced in my mind the importance of ensuring that the production should demonstrate good ethical practice.

As a result, I concluded that the process of constructing an ethical stance for the project creates a valuable platform from which to address issues that arise during the course of the production and from which to assess the underlying reasons for the ethical dilemmas. While it is useful to seek the guidance of policies and principles that have been encoded, these cannot replace the value derived from the process of thinking through the ethical stance.

I also conclude that the ethical stance of the project relates directly to the subject and content and is based in the filmmaker's ideological position. Consequently, just as the filmmaker develops a treatment and style for each film, so too, it is necessary to consider the ideology behind each film and develop the appropriate ethical stance. The ethical stance that I determined was appropriate for *Tagged* is not the correct position or the correct process even for myself, working with the same participants at a different point in time.

Finally, I thought that it would be possible to separate the ethical practices in making *Tagged* from the ethics in the visual representation, but my conclusion is that they are intertwined and do not stand distinct from one another. Because the ethical stance is represented in both, the ethics that shape the practice also influence the discourse, determine the expressive techniques are used and how they are used, as well as the way that the participants are represented in the film.

Conclusion

Ethics can apply to a range of moral values, some personal, some public, and are derived from a range of philosophical and experiential sources. Moral values are not absolute. Although we may think we are clear about our moral values, under examination, we discover many hidden implications and ramifications that are relative. Ethical or moral conflicts occur when the moral values that we accept or adopt are not consistent either with each other or with the values demanded by outside forces, for example, society, work colleagues, participants or audiences or with our overall philosophy.

The current theoretical discussions surrounding ethics in documentary film-making focus on the ideological discourse and the visual representation on one hand, or on specific issues as they apply to production. Yet these are not definitive. What emerges from the theoretical discussions surrounding ethics in documentary film-making is the conditional and reactive nature of ethics, hence the importance of grappling with ethical issues as they arise and also the importance for documentary filmmakers to understand the way that visual representation reflects ideology.

I argue that an ethical key for documentary filmmakers lies in exploring the relationship between the participant and the filmmaker, and by extension with the audience. I further argue the importance of investigating the way this relationship is manifested in the discursive argument of the text, in the axiographic space of the film and in the specific production practices.

While there are frequent calls for the development of a code of practice, the process of drafting this is a complex one that requires an epistemological understanding of ethics, not simply thorough knowledge of film-making practice.

In Australia, the codes of practice, editorial policies and protocols that function as standards, are not comprehensive but, along with precedents from the broader community, they provide a platform from which a set of ethical standards or guidelines could be developed. However, it is important to recognise that these reflect the political and social objectives of those groups that have instigated them and allow for the inclusion of other ideological stances in any more comprehensive codes that may be developed. Even then, it may not be possible to draft a truly comprehensive set of standards for documentary film-making.

A study of the moral values reflected in the documentary narrative and the authorial devices in relevant documentary films reveals an inconsistent approach to dealing with

ethical issues that is heavily influenced by the ideological stance of the filmmakers and the production circumstances of the film. By evaluating the indexical link between the visual representation and the ethics behind it, from the perspective of the audience, I conclude that there are ethical issues emerging from these films that add to the body of theoretical debate. They include, for example, how to identify the ethical position of the filmmaker and the film so that all interested parties are fully informed when deciding whether to be involved.

As filmmakers deal with subjects that run the full gamut of social and other concerns, it is important to respond to the specific circumstances of a production by determining the appropriate ethical position and the most ethical practices to use in that circumstance. This includes referring to relevant existing policies and principles as benchmarks against which we can judge our position.

While there is a strong case for a code of ethics or a set of guidelines, it is my conclusion that the development of any form of regulation, even self-regulation, must be informed by specific film-making concerns and issues but not be reactive to them. The process is one that takes substantial time to allow for adequate reflection. It must identify its focus as either the broad scope of documentary film-making or a specific narrow range with that scope and it must consider the nature of ethics within the practice, and not limit itself to applying standards to specific issues.

Based on my evaluation of the ways in which my ideology and ethical stance is encoded in *Tagged* as well as the way it emerged in my production practices, I conclude that my reference to the relevant codes of practice and protocols for working with young people provide helpful guidelines. However, the greatest benefit came from the procedure of developing the ethical stance and the theoretical study the epistemological considerations of the visual. If I assess my ethical practice against the relevant codes of practice, I complied. If I use Pryluck's discussion to inform an assessment, I can only conclude that the participants seem happy with both the process and the completed film. And if I consider the completed film against my original intention, I believe that I have achieved the aesthetic, the discursive and the ethical outcomes for which I hoped.

However, I also conclude that the experience of making the film within a research environment that was sympathetic to my objectives benefited the process of exploring and evaluating my own practice and the ideology behind it. This is significantly different from undertaking the same work within an environment where the policies, protocols and practices may be in conflict with the values and ideology of the filmmaker.

References

, no. N 1404947604.

ABA 2004, *Documentary Guidelines*, ABA, viewed 18/4/2006 <http://www.acma.gov.au/acmainterwr/aba/tv/content/requirements/australian/documents/documentaryguidelines.pdf>.

ABA 2005, *Content Standards*, ABA, viewed 18/4/2006 <http://www.acma.gov.au/acmainterwr/aba/tv/content/documents/broadcasting%20svces%20-%20australian%20content%20standard%202005.pdf>.

ABC 2002, updated 2005, *Editorial Policies*, ABC, viewed 3/8/2005 <http://www.abc.net.au/corp/pubs/edpols.htm>.

ABC 2005, *Submitting a proposal*, Australian Broadcasting Corporation, viewed 18 April 2006. <http://abc.net.au/contact/program_proposals.htm>.

ABC n.d., *ABC Service Commitment*, Australian Broadcasting Corporation, viewed 18 April 2006. <http://www.abc.net.au/corp/pubs/service.htm>.

AFC 2004, *Documentary Production and Funding in Australia: AFC Discussion Paper*, Australian Film Commission, viewed 9 October 2005. <www.afc.gov.au/profile/pubs/policy_res.aspx>.

Aibel, R. 1988, 'Ethics and Professionalism in Documentary Filmmaking', in L. Gross, J.S. Katz & J. Ruby (eds), *Image Ethics*, Oxford University Press, New York.

AIDC 2005, 'Conference resolutions,' *Australian International Documentary Conference*, vol. 2006, AIDC, Adelaide, p. resolutions 7&10<http://www.aidc.com.au/news/display/44?cookie>.

American Anthropological Association 1998, *Code of Ethics*, American Anthropological Association, viewed 18 April 2006. <http://www.aaanet.org/committees/ethics/ethcode.htm>.

American Sociological Association 1997, *Code of Ethics*, American Sociological Association, viewed 18 April 2006. <http://www.asanet.org/page.ww?section=Ethics&name=Code+of+Ethics+Table+of+Contents>.

Ansara, M. 2001, 'On the Poetry of Madness: An Encounter with Dennis O'Rourke', *Metro Magazine*, vol. 126, pp. 28-33.

ASDA 2005, 'Code of Practice', personal communication, 19 October, Sydney.

'Aussie Short Films' 2006, *Aussie Short Films*, viewed 18 April 2006. <http://www.aussieshortfilms.com.au/documentary.php>.

Beattie, K. 2004, *Documentary Screens: Non-Fiction Film and Television*, Palgrave Macmillan, Basingstoke.

Becker, H.S. 1988, 'Foreword: Images, Ethics, and Organisations', in L. Gross, J.S. Katz & J. Ruby (eds), *Image Ethics: The Moral Rights of Subjects in Photographs, Film, and Television*, Oxford University Press, New York.

Bostock, L. 1997, *The Greater Perspective, Protocol and Guidelines for the Production of Film and Television on Aboriginal and Torres Strait Islander Communities*, SBS, viewed 29/10/2005 <http://www.sbs.com.au/sbsi/sbs_booklet.pdf>.

Brewster, K. 2004, *Our Boys*, documentary, Sydney.

Burke, K. 2004, 'Where the PM Learnt His Correctness', *Sydney Morning Herald*, 3 February 2004, p. 10.

Business Victoria 2004a, *Child Employment Act, Mandatory Code of Practice for the Employment of Children in Entertainment*, Business Victoria, viewed 6/11/2005 2005 <http://www.business.vic.gov.au/BUSVIC.2490676/STANDARD//PC_60947.html>.

Business Victoria 2004b, *General Information - Child Employment*, Business Victoria, viewed 6/11/2005 2005 <http://www.business.vic.gov.au/busvicwr/_assets/main/lib60067/73_childemploymentgeneralinfo.pdf>.

Business Victoria 2004c, *Guide to the Employment of Children in Entertainment in Victoria including the Mandatory Code of Practice*, Business Victoria, viewed 6/11/2005 2005 <http://www.business.vic.gov.au/BUSVIC.2490676/STANDARD//PC_60947.html>.
Clifford, J. & Marcus, G.E. (eds) 1986, *Writing Culture: The Poetics and Politics of Ethnography*, University of California Press, Berkeley.
Cullen, R. 2001, 'Cunnamulla: Dennis O'Rourke interviewed by Ruth Cullen', *POV*, <http://www.cameraworklimited.com/articles.html>.
Film Australia 2003, 'Culture and Ethics, Who Decides?' Lindfield, NSW.
FitzSimons, T. 2001, 'Accords, Slates, Slots, Strands and Series: Australian Television Takes on Independent Documentary', *Metro Magazine*, vol. No 129,, p. p174.
Gaines, J.M. & Renov, M. (eds) 1999, *Collecting Visible Evidence*, University of Minnesota Press, Minneapolis.
Gaita, R. 2004, ' The Need for Truth', *Financial Review*, 27/08/2004.
Gilbert, C. 2005, 'Reflections on An American Family', in A. Rosenthal (ed.), *New Challenges for Documentary second edition*, Manchester University Press, Manchester, pp. 307-326.
Gross, L., Katz, J.S. & Ruby, J. 1988, 'Introduction: A Moral Pause', in L. Gross, J.S. Katz & J. Ruby (eds), *Image Ethics: the Moral Rights of Subjects in Photographs. Film and Television*, Oxford University Press, New York.
Harris, S. 2000, 'Battle for Bankstown: The battle for Sydney's south-west is fast turning the area into the city's badlands. But the headlines ignore the issues.' *The Sunday Telegraph*, March 26, p. 91.
Havelock-Stevens, T. 2004, *Big All At Once*, documentary film, S. Jennings & M. Williams, Australia, 2004.
'Home Brewed International Film Festival' 2006, *Home Brewed International Film Festival*, viewed 18 April 2006. <http://www.homebrewedfilm.com/>.
Janke, T. 2003a, *Issues Paper: Towards a Protocol for Filmmakers Working with Indigenous Content and Indigenous Communities*, <http://www.afc.gov.au/downloads/pubs/protocols.pdf>.
Janke, T. 2003b, *(transcript of proceedings)*, Film Australia, viewed 14/11/2005 <http://www.filmaust.com.au/about/publications/cultureandethics_transcript.pdf,>.
Johnson, D. 2001, *Darlene Johnson's Protocol Guide*, SBSI, viewed 14 November 2005. <http://www.sbs.com.au/sbsi/documentary.html?type=6>.
Lutekaus, N. & Cool, J. 1999, 'Paradigms Lost and Found: The "Crisis of Representation" and Visual Anthropology', in J.M.a.R. Gaines, Michael (ed.), *Collecting Visible Evidence*, University of Minnesota Press, Minneapolis.
Ma, R. 2005, 'personal communication', personal communication, December 2005.
MacDougall, D. 1982, 'Unprivileged Camera Style', *Royal Anthropological Institute Newsletter*, vol. 50, pp. 8-10.
MacDougall, D. 1995, 'The Subjective Voice in Ethnographic Film', in L.H. Devereaux, Roger (eds) (ed.), *Fields of Vision*, University of California Press, Berkeley
MacDougall, D. 1998, *Transcultural Cinema*, Princeton University Press, Princeton.
MacDougall, D. 1999, *Transcultural Cinema*, Princeton University Press, Princeton.
MEAA 1999, *Code of Ethics*, MEAA, viewed 24 August 2005. <http://www.alliance.org.au/content/view/17/60/>.
Michaels, E. 1994, *Bad Aboriginal Art : Tradition, Media And Technological Horizons*, University of Minnesota Press, Minneapolis, Minnesota.
Moore, M. & Mercer, N. 2001, 'Sydney's crime crisis: Young guns hooked on coke and fear', *Sydney Morning Herald*, September 1-2, 2001.
Moran, A. 1987, 'Nation Building: The Post-War Documentary in Australia (1945-1953)', *Continuum: The Australian Journal of Media & Culture*, vol. 1, no. 1.
Morris, R. 2001, 'Gun hot spots named', *Daily Telegraph (Local)*, June 7.

National Health and Medical Research Council 1999, *National Statement on Ethical Conduct in Research Involving Humans*, National Health and Medical Research Council, <http://www.health.gov.au/nhmrc/publications/humans/contents.htm>.
Nichols, B. 1991, *Representing Reality: Issues and Concepts in Documentary*, Indiana University Press, Bloomington.
Nichols, B. 1994, *Blurred Boundaries: Questions of Meaning in Contemporary Culture*, Indiana University Press, Bloomington.
Nichols, B. 2001, *An Introduction to Documentary*, Indiana University Press, Bloomington.
NSW Commission for Children & Young People 2005, *Children & Young Persons (Care and Protection-Child Employment) Regulation 2005 (the 'Regulation')-including Schedule 1-Code of Practice*, Commission for Children Young People, viewed 6 November 2005 <http://www.legislation.nsw.gov.au/summarize/inforce/s/1/?TITLE=%22Children%20and%20Young%20Persons%20(Care%20and%20Protection)%20Amendment%20Act%202005%20No%2093%22&nohits=y>.
O'Regan, T. 1990, "TV as cultural technology: the work of Eric Michaels", *Continuum: The Australian Journal of Media & Culture*, vol. 3, no. 2.
O'Rourke, D. 2000, *Cunnamulla*, documentary film, Sydney.
OCG 2001, *Working With Children*, Office of the Children's Guardian, viewed 18 April 2006 <http://www.kidsguardian.nsw.gov.au/child_employment.php>.
Pryluck, C., 'The Ethics of Documentary Film-making'.
Pryluck, C. 1988, 'Ultimately we are all outsiders', in A. Rosenthal (ed.), *New Challenges for Documentary*, University of California Press, Berkeley.
Rabiger, M. 2004, *Directing the Documentary*, Fourth edition edn, Focal Press, Oxford.
Ram, V. 2001/2002, 'personal communication', personal communication, Bankstown.
Renov, M. 1993, *Theorizing Documentary*.
Renov, M. 1999, 'Domestic Ethnography and the construction of the 'other' self', in J.M.R. Gaines, Michael (ed.), *Collecting Visible Evidence*, University of Minnesota Press, Minneapolis.
Renov, M., Ginsburg, F. & Gaines, J. 2004, *The Subject of Documentary*, vol. 16, University of Minnesota Press,, Minneapolis.
Roscoe, J. 2006, 'personal communication', personal communication, 8 May 2006.
Rosenthal, A. (ed.) 2005, *New Challenges for Documentary*, Manchester Universisty Press, Manchester.
Ruby, J. 1990, "The belly of the beast: Eric Michaels and the anthropology of visual communication", *Continuum: The Australian Journal of Media & Culture*, vol. 3, no. 2.
Russell, C. 1999, *Experimental Ethnography: The Work of FIlm in the Age of Video*, Duke University Press, Durham.
Rutherford, A. 2004, 'Negotiating indigenous Documentary: storytelling, audience and cultural sensibility', *Metro Magazine*, no. 139.
SBS 2002, *Code of Practice*, SBS, viewed 24 August 2005 <http://www.sbs.com.au/sbsi_new/about.html?type=2&aboutid=15>.
SBSI n.d., *SBSI Documentary (website)*, SBSI, viewed 1 November 2005 <http://www.sbs.com.au/sbsi/documentary.html>.
Second Sight Productions 2003, *Big All At Once*, <http://www.mn8.com/bigallatonce/selection.html>.
'Shorts Around Sydney' 2005/2006, *Shorts Around Sydney*, Plump Films, viewed 18 April 2006 <http://www.shortsaroundsydney.com/>.
Singer, P. (ed.) 1994, *Ethics*, Oxford University Press, Oxford.
Sobchack, V. 2004, 'Inscribing Ethical Space: Ten propositions on Death, Representation, and Documentary', in, *Carnal Thoughts: Embodiment and Moving Image Culture*, University of California Press, Ewing, New Jersey, pp. 226-270.

Somerville, M. 1999, *Ethics, Documentaries and Film*, Edited transcript for *Background Briefing*, ABC Radio National, by Kirsten Garrett, <http://www.abc.net.au/m/talks/bbing/stories/s196288.htm>.
Somerville, M. 2000a, *Ethics, Documentaries and Film*, radio & internet, Background Briefing, L.M.C. Producer, National.
Somerville, M. 2000b, *The Ethical Canary: science, society and the human spirit*, Viking.
Spring, T. 2005, 'Jumping Off the Cliff: A Conversation with Dennis O'Rourke', in A. Rosenthal (ed.), *New Challenges for Documentary*, second edn, Manchester University Press, Manchester.
The Torch 2003, 'Bankstown a gun 'hot spot'', *The Torch*, September 24, 2003, p. 3.
Tiley, D. & Thomas, S. 2005, 'Charter of Independence', personal communication, 5 October 2005, Melbourne.
Tudball, L. 2004, *Big All At Once: teachers' notes*, Second Sight Productions, viewed I18 April 2006 <http://www.roninfilms.com.au/video/0/15/2403580558.html>.
Viera, J.D. 1988, 'Images as Property', in L. Gross, J.S. Katz & J. Ruby (eds), *Image Ethics: the Moral Rights of Subjects in Photographs. Film and Television*, Oxford University Press, New York.
Williams, L. 1999, 'The Ethics of Intervention: Dennis O'Rourke's The Good Woman of Bangkok', in J. Gaines & M. Renov (eds), *Collecting Visible Evidence*, University of Minnesota Press, Minneapolis, Minnesota.
Winston, B. 1988, 'Tradition of the Victim in Griersonian Documentary', in L. Gross, J.S. Katz & J. Ruby (eds), *Image Ethics: The Moral Rights of Subjects in Photographs, Film and Television*, Oxford University Press, New York.
Winston, B. 1995, *Claiming the Real: The Grierson Documentary and its Legitimations*, British Film Institute.
Winston, B. 2000, *Lies Damn Lies and Documentaries*.
Winston, B., Collie, I., Thomas, S. & Johnson, D. 2002, 'Documentary Ethics Debate', Australian Film, Television and Radio School, < (http://www.aftrs.edu.au/index.cfm?objectID=E1C9236E-D0B7-4CD6-F9D3ADF7E5430B7C).>.
Ziegler, A. 2003a, *Plumpton High Babies*, documentary series, Plumpton High Babies, J. Russell, Australia.
Ziegler, A. 2003b, *Plumpton High Babies: Director's notes*, ABC, viewed 18 April 2006. <http://www.abc.net.au/plumpton/stories/s791244.htm>.

Acronyms

ABA	the Australian Broadcasting Authority (now ACMA)
ABC	the Australian Broadcasting Corporation
AFC	the Australian Film Commission
ACMA	the Australian Communications and Media Authority
AIDC	the Australian International Documentary Conference
AJA	the Australian Journalists Association (now MEAA)
ASDA	the Australian Screen Directors' Association
CAAMA	the Central Australian Aboriginal Media Association
FFC	the Film Finance Corporation
MEAA	the Media, Entertainment and Arts Alliance
OCG	the Office of the Children's Guardian
SADC	the SPAA/ASDA Documentary Council
SBS	the Special Broadcasting Service
SPAA	the Screen Producers' Association of Australia